



Department of Environmental Protection

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Enforcement Actions - 2015

December 2015

12/30/15: MassDEP entered into a Consent Order with a \$45,800 Penalty involving Sims Metal Management for Solid Waste Violations at Barre, Chicopee, Granby, and Westminster landfills. The violations of solid waste regulations occurred at four landfills. MassDEP had issued a Beneficial Use Determination (BUD) and a conditional de-classification decision to SIMS allowing it to use the auto-shredder residue (ASR) it generates in North Haven, Connecticut as Alternative Daily Cover (ADC) material at landfills. On 2/6/15, the operator of the landfills, Waste Management, Inc., reported to MassDEP that it would no longer accept the ADC because the ASR that was analyzed on 10/29/13 had failed the total petroleum hydrocarbon (TPH) maximum contamination limit that was established in the permits allowing ASR to be used as ADC. SIMS failed to conduct additional testing, failed to notify MassDEP within 24 hours, and withhold the ASR from being shipped as ADC. When the TPH in the ASR exceeded the MCL, the ASR should have been disposed of as solid waste. SIMS surrendered its BUD and conditional de-classification approvals and acknowledged that prior to shipping ASR to any landfills in the Commonwealth, the company will first apply for, and obtain, all approvals that are required by statute and/or regulation.

12/29/15: MassDEP entered into a Consent Order with Mountain Grove Association for Water Supply violations in Becket. The violations involving the Mountain Grove Association are due to its being a community Public Water System. The Association must address repeated instances in which the maximum contaminant level for total coliform bacteria was exceeded within the water system. Today's Order includes required public notification and response actions should multiple detects occur within the next 12 months.

12/28/15: MassDEP entered into a Consent Order with an \$11,000 Penalty involving the City of Salem for Underground Storage Tanks violations. The City owns and operates USTs, a 550-gallon UST at its water pumping station in Beverly and a 2,000-gallon UST at its wastewater lift station in Salem. MassDEP compliance inspections found numerous UST violations, including (at both locations) the failure to install spill-prevention equipment, the failure to install overflow-protection equipment, and, the failure to install leak-protection equipment. In addition, the city failed to install corrosion-protection at the Salem location. The city also failed to have a certified A/B operator to oversee the USTs and no monthly inspections were being conducted as required by the regulations. Pursuant to the Order, the city was assessed a penalty of \$11,000 which will be suspended for three years and then waived provided the city returns the USTs to compliance and maintains compliance throughout the three-year period.

12/28/15: MassDEP entered into a Consent Order with a \$12,446 Penalty involving Harriman Airport in North Adams. The city is the owner of the property at 800 State Road in North Adams where Waste Site Cleanup violations occurred, i.e., a quantity of jet fuel was released to the soil. In July 2015, airport improvement work was being conducted including a release abatement measure (RAM) and a utility-related RAM, within the site boundaries, but without proper notifications, submittals and/or approvals from MassDEP. The city quickly came into the compliance once the violations were identified and agreed to submit a temporary solution statement, or a revised/modified phase four remedy implementation plan to meet the requirements of the regulations. Today's Order contains a \$12,446 Penalty, which will be suspended in its entirety provided the city does not violate any condition of the agreement.

12/28/15: MassDEP entered into a Consent Order with a \$5,000 Penalty involving Thorndike Energy LLC, for Underground Storage Tank (UST) violations in Palmer. The violations occurred at Thorndike's facility in Palmer. The company is a producer of hydroelectric power at the former Cascades Diamond Mill. A MassDEP inspection revealed that the three underground storage tanks at the facility were not being operated and maintained in accordance with the Commonwealth's underground storage tanks (UST) regulations. Violations observed included failing to operate the leak-detection system, failing to conduct corrosion-protection tests and failing to have adequate UST operators onsite. Thorndike Energy, which cooperated with MassDEP during the investigation, has initiated corrective actions and has agreed to a schedule for the removal of the tanks. As part of today's Order, the company will to pay a penalty of \$1,000. An additional \$4,000 is suspended pending Thorndike Energy's compliance with the terms and conditions of today's Order.

12/24/15: MassDEP issued a Boil Water Order to Cool Sandy Beach Community for Water Supply violations in Rutland. The violation occurred after a hydro-pneumatic tank ruptured and the entire distribution system depressurized. The Order was hand-delivered and members of MassDEP's Drinking Water Program were made available throughout the afternoon and evening to assist the water operators. The tank was replaced and water was restored to the residents by 8:00PM, that evening. However, the boil order stayed in effect until Tuesday, 12/29/15, until such time when sampling results indicated that the distribution system was free of bacteria.

12/23/15: MassDEP issued nine (9) Notices of Noncompliance to entities relative to violations of the Commonwealth's Waste Bans. The nine entities include retail stores, companies, and waste haulers, which disposed or transferred for disposal, various materials subject to waste disposal bans under Massachusetts regulations, including wood and construction debris, cardboard, and other recyclable materials and/or yard wastes. MassDEP gave the violators thirty (30) days to provide written descriptions of each action taken to correct the violations cited in their NONs, including status reports on these efforts to achieve and/or maintain compliance with the waste ban regulations. More information: [Waste Bans](#)

12/23/15: MassDEP entered into a Consent Order with \$7,750 Penalty involving Washington Metro Realty, LLC Waste Site Cleanup violations at 27-33 Shrewsbury Street in Worcester. MassDEP first identified the failure to submit required status reports and a periodic evaluation of the temporary solution at the site during a file review. MassDEP issued a violation notice to the company on 10/30/14, and established a deadline for submitting the missing documents. The company, however, failed to submit the requested documents by the established deadline. The

company will pay \$6,000 of the Penalty, with the remaining \$1,750 suspended for one year pending future compliance. The company also agreed to timely submit the required documents to MassDEP.

12/22/15: MassDEP entered into a Consent Order with a \$1,000 Penalty involving James W. Fiore for Waste Site Cleanup violations at 94 Bowles Street in Springfield. Fiore is the owner of the property at 94 Bowles Street, a residential home where a release of home heating oil had occurred in June 2013. The site was purchased by Fiore in August 2014. Fiore failed to respond to a Notice of Responsibility and a Notice of Noncompliance for this site. Today's Order requires submittal of either a tier classification submittal or a permanent or temporary solution statement within six months. MassDEP agreed to suspend payment of the entire penalty of \$1,000 provided Fiore does not violate the Order.

12/22/15: MassDEP entered into a Consent Order with Micheller Enterprises, LLC, for Waste Site Cleanup violations in Ware. Micheller Enterprises, LLC, is the owner of the property at 16 East Main Street in Ware where MassDEP was notified of oil odors in a building, originating from an above-ground storage tank at 16 East Main Street. The owner failed to respond to a Notice of Noncompliance MassDEP issued relative to violations at this site. Now, under today's Order, the LLC is required to submit a tier classification submittal or a permanent solution statement to bring the site into compliance and meet the requirements of the regulations.

12/21/15: MassDEP issued a Unilateral Order and \$30,860 Penalty Assessment Notice to SJC Real Estate Inc. for Waste Site Cleanup violations at 8 Maple Street in Kingston. SJC, of Jamaica Plain, failed to conduct comprehensive response actions required at the 8 Maple Street property that they own. This failure was detailed in a Notice of Noncompliance that MassDEP issued to SJC in June 2014. MassDEP's Notice established new deadlines for the completion of required comprehensive response actions. SJC failed to comply with the deadlines established in the Notice. SJC failed to comply with a November 2015 and notice of enforcement conference. Therefore, a PAN in the amount of \$30,860 and a UAO requiring the completion of required comprehensive response actions was issued to SJC.

12/18/15: MassDEP issued a Unilateral Order to J&D Bagel Nook, LLC, for Water Supply violations in Hampden. J & D Bagel Nook, LLC is required as a public water system, to submit its annual report and to obtain required certified operator services. J&D Bagel Nook, LLC, was also issued a \$1,950 Penalty Assessment Notice to J & D Bagel Nook, LLC due to the failure of this public water system to submit its annual report and to obtain required certified operator services.

12/18/15: MassDEP issued a Demand for \$300 in Stipulated Penalties to Jacob's Pillow Dance Festival, Inc., for Water Supply violations in Becket. Today's Demand Letter was issued due to the associated violation of an existing Consent Order with MassDEP. That Order addressed expansion and excessive water use from this public water system's sources and an agreement to control water use or obtain a new source.

12/17/15: MassDEP issued a Demand for \$1,000 in Stipulated Penalties to the New England Wind, LLC, for Air Quality (noise) violations in Florida. MassDEP issued the Penalty due to the failure to address a complaint of noise emanating from the operating wind turbines at the Hoosac

Wind turbine site in violation of a Consent Order involving the company and MassDEP on 12/19/14.

12/16/15: MassDEP issued a Unilateral Order to Thomas Grossi for Wetlands violations off Bliss Street in Rehoboth. Thomas Grossi of Taunton, Massachusetts failed to comply with a (final) Order of Conditions that he was issued for work in a resource area (wetlands file number #60-839). Specifically, Grossi cut and filled an area of bordering vegetated wetlands which is an act of noncompliance with the approved plan and the order allowing the work (#60-839). Today's Order requires Grossi to cease and desist and install erosion and sedimentation controls immediately. Additional enforcement is expected in order to achieve full wetland restoration at the site in Rehoboth.

12/15/15: MassDEP issued a Unilateral Order to Naim and Rina Raheb for Waste Site Cleanup violations in Worcester. The Rahebs failed to submit a release notification form to MassDEP; they failed to submit the subsequent immediate response action plan; and, also failed to submit a tier classification for their site at 510 Pleasant Street in Worcester. In 2007, MassDEP conducted indoor air sampling which identified a condition of substantial release migration requiring additional indoor air sampling. In 2008, MassDEP issued a Notice of Noncompliance to the respondents requiring submittal of the aforementioned notices and plans along with its tier classification. No submittals have been made to date. Today's Order requires the submittals within 45 days. In addition a Penalty Assessment Notice in the amount of \$40,280 was issued.

12/14/15: MassDEP entered into a Consent Order with \$5,750 Penalty involving Advance Coatings Co. for Air Quality violations in Westminister. The company is the manufacturer of polystyrene resins and specialty chemical products. MassDEP determined in September of 2014 the company had failed to install and operate a thermal oxidizer for the control of volatile organic compounds in accordance with its approval. The company was operating another, unapproved combustion device to control its emissions. The company has agreed to pay a penalty of \$5,750. They must also apply for and obtain proper approval. Part of the penalty will be directed toward a Supplemental Environmental Project (SEP) that will benefit the local fire department. The SEP consists of purchasing and providing to the Westminister FD air-gas monitoring equipment. This action will help to ensure future compliance with the regulations.

12/14/15: MassDEP entered into a Consent Order with a \$4,000 Penalty involving SQUIN LLC for Waste Site Cleanup violations in Shrewsbury. The company violated the notification provisions of the hazardous waste site cleanup regulations. SQUIN obtained knowledge of a release of oil and hazardous materials to the soil at its property in December 2014 during site work related to the construction of a residence, but failed to notify MassDEP of this release within 120 days of knowledge. In June 2015, SQUIN LLC excavated and disposed of contaminated soil before notifying MassDEP of this release and without submitting a Release Abatement Measure Plan. SQUIN LLC later notified MassDEP of this release on 6/19/15 and has returned to compliance.

12/11/15: MassDEP entered into a Consent Order with a \$30,000 Penalty involving Work Inc. for Waste Site Cleanup violations at 3 Arlington Street in Quincy. Work Inc. is the owner of the property, which is a former mill building and is being sold for re-development. Specifically, the Waste Site Cleanup violations were for failure meet deadlines set out in Notice of

Noncompliance by MassDEP on 7/7/14. Today's Order will suspend \$28,000 of the Penalty with the remaining \$2,000 paid. In addition, there is a stipulated penalty provision for any missed deadlines.

12/11/15: MassDEP issued a Unilateral Order to 83-85 Nautical Way for Waste Site Cleanup violations in Barnstable. Adrian and Rosanie Joseph of Marstons Mills, Massachusetts were issued the Order, along with a \$26,660 Penalty Assessment Notice. Mr. and Mrs. Joseph failed to comply with the Waste Site Cleanup requirements pertaining to proper notification, implementation of Immediate Response Actions, and the filing of a tier classification for the release that occurred at this property. The Josephs did not respond to MassDEP's issuance of a Notice of Noncompliance, a Notice of Response Action, and a Notice of Enforcement Conference. Therefore, today's Unilateral Order and Penalty in the amount of \$26,660 and the requirement that the submission of all the aforementioned RNF, IRA Plan and tier classifications.

12/11/15: MassDEP issued a Unilateral Order to Sochima Ly and Nikisha Lim for Waste Site Cleanup violations at 53 Belle Avenue in West Springfield. Sochima Ly is the owner of a multi-family residence at 53 Belle Avenue in West Springfield, and the property manager, Nikisha Lim. They have failed to conduct cleanup of a November 2014 fuel oil spill at the residence. On 11/18/14, a spill of approximately 180 gallons of fuel oil occurred in the basement of the residence after a fuel oil delivery. MassDEP responded to the site immediately to oversee cleanup and investigate the cause of the release. It was determined that the oil delivery line had been disconnected at the tank, allegedly by parties performing work for the owner. A limited amount of cleanup was performed on the day of the spill. Most of the oil seeped into soil below the concrete basement floor. In the weeks immediately following the spill, MassDEP made numerous attempts to assist Ly and Lim in complying with Massachusetts oil spill cleanup regulations. However, both Ly and Lim have been non-responsive. Both had also not responded to Notices of Noncompliance letters which allowed for an extension of the deadlines to perform cleanup and submit documentation to MassDEP. Finally, both have failed to grant access to the property to the oil delivery company, who attempted to initiate further assessment and cleanup of the spill. MassDEP has also issued a Penalty Assessment Notice in the amount of \$8,620 to Ly, owner of a multi-family residence, for failing to conduct cleanup.

12/9/15: MassDEP entered into a Consent Order with a \$1,720 Penalty involving Copperwood Condominiums II Association for Water Supply violations in Stoughton. Copperwood II serves as a regulated public water supply, and has failed to respond to MassDEP's Notice of Noncompliance, specifically, not having a licensed Certified Drinking Water Operator responsible for the public water supply, and not providing a consumer confidence report (CCR) as required. Half the penalty is suspended with this Order as the public water supplier has agreed to pay a sum of \$860 within 30 days, and further agreed that the PWS will not violate any of the provisions of the Order for a period of two years.

12/7/15: MassDEP entered into a Consent Order with an \$18,970 Penalty involving Fox Hill Village Homeowners Corporation for Air Quality violations in Westwood. Fox Hill operates a senior retirement condominium community in Westwood. Today's Order concerns the installation and operation of two new combined Heat and Power (CHP) cogeneration units at the facility. This CHP project was installed and operated in noncompliance with the Department's

Environmental Results Program (ERP) requirements. Fox Hill is required to submit a plan application for the CHP project because the equipment does not meet the ERP requirements.

12/3/15: MassDEP issued a Unilateral Order to Ronald Peterson for violations of the Wetlands Protection Act at his residence on Newton Pond in Shrewsbury. Peterson had spread 40 cubic yards of sand on his lakefront property and on land under water (Newton Pond) while the pond level was lowered, for the purpose of controlling weeds. This action was taken without Peterson having filed the required Notice of Intent, and subsequently obtaining a valid Order of Conditions if such activity was conducted in accordance with regulations. However in this instance, Peterson filled/alterd approximately 50 linear feet of Bank, 300 square feet of land under a water body and waterways, and 300 square feet of bordering land subject to flooding, in violation of the performance standards for those resource areas. Today's Order requires that Peterson cease the activity and remove the fill.

12/3/15: MassDEP entered into a Consent Order with Marblehead Municipal Light Department (MMLD) to address Air Quality compliance/regulations in Marblehead. MMLD owns and operates an electric generating facility consisting of two stationary compression ignition reciprocating engines. Today's Order outlines the compliance pathway for MMLD to install air pollution control equipment, and a new stack and sound attenuation equipment such that MMLD can comply with federally-issued EPA requirements and to comply with the National Ambient Air Quality Standards.

12/3/15: MassDEP entered into a Consent Order with a \$14,950 Penalty involving Tradebe Treatment and Recycling of Stoughton LLC for Hazardous Waste Management violations in Stoughton. An inspection by MassDEP found that the company was transferring waste oil to an unlicensed transporter. Today's Order ensures the company operates in compliance with the Hazardous Waste requirements.

November 2015

11/30/15: MassDEP entered into a Consent Order with Camp Kinderland, Inc., for Water Supply violations in Tolland. Camp Kinderland, Inc. must address repeated incidents in which the total coliform bacteria count exceeded the maximum contaminant level for this water system. Today's Order includes required public notification for the incidents and response actions should multiple detects occur in within 12 months.

11/30/15: MassDEP issued five (5) Notices of Noncompliance to various entities - including retail stores, nursing homes and other companies - for Solid Waste violations. These entities disposed, or transferred for disposal, various materials subject to the waste disposal bans. Under existing Solid Waste Regulations (310 CMR 19.017(3)) the materials include wood and construction debris, cardboard, and other recyclable materials and/or yard wastes. The violators were given 30 days to provide MassDEP with written descriptions of each action taken to correct the violations cited in their NONs, including status reports on these efforts to achieve and/or maintain compliance with the waste ban regulations. More information: [Waste Disposal Bans](#)

11/25/15: MassDEP entered into a Consent Order with an \$8,000 Penalty involving CRD Metalworks for Air Quality and Hazardous Waste Management violations in Williamsburg. CRD Metalworks owns and operates a facility that manufactures firewood

processing equipment. A MassDEP inspection revealed that CRD was not registered as a generator of hazardous waste and waste oil, and that the facility had numerous hazardous waste management violations. CRD also installed and operated an uncertified outdoor hydronic heater at its facility, operated a coating process without obtaining an approval from MassDEP, and was not maintaining solvent/paint usage records. CRD initiated corrective actions after being informed of the violations. CRD will pay a penalty of \$5,000.00, with an additional \$3,000.00 suspended pending compliance with the terms of the settlement agreement.

11/24/15: MassDEP entered into a Consent Order with Hardwick Center Water District for Water Supply violations in Hardwick. The District must address repeated incidents in which the total coliform bacteria counts exceeded the maximum contaminant level within this water system. Today's Order includes required response actions should multiple detects occur in within 12 months.

11/24/15: MassDEP entered into a Consent Order with Pine Valley Plantation Cooperative Corporation for Water Supply violations in Belchertown. The Cooperative must address repeated incidents in which the total coliform bacteria counts exceeded the maximum contaminant level within this water system. Today's Order includes required response actions should multiple detects occur in within 12 months.

11/23/15: MassDEP entered into a Consent Order with a \$64,590 Penalty involving the Massachusetts Department of Transportation (MassDOT) for Wetlands violations at Route 110, Macy Street in Amesbury. In 2009, MassDOT was issued an Order of Conditions by the Amesbury Conservation Commission and a 401 Water Quality Certification by MassDEP for reconstruction of a portion of Route 110 in Amesbury (a portion is also located in Salisbury). The Order and Certification authorized alteration of 4,855 square feet of bordering vegetated wetland 3,918 square feet of land under water, 410 linear feet of bank, and 24,200 square feet of riverfront area in Amesbury. As part of the alternatives analysis during the permitting process, project plans were subject to multiple revisions to avoid and minimize alterations to wetland resource areas. In March 2011, while traveling from an inspection of another site, MassDEP staff observed that construction on a portion of the project in Amesbury appeared to be out of compliance with approved plans. During a subsequent full site inspection, MassDEP staff found that, contrary to the approved plans, the activities performed filled and altered a total of 780 linear feet of bank (370 more than authorized), 10,404 square feet of BVW (5,549 square feet more than authorized) and 4,900 square feet of LUW (982 square feet more than authorized). Additionally, there were multiple violations of imposed conditions in both the Order and the Certification, and, it was discovered that the contractor and the MassDOT district office engineer overseeing the work were working from an outdated, unauthorized plan set. Today's Order contains provisions for implementation of a comprehensive wetland resource area mitigation and long-term monitoring/reporting plan resulting from extensive discussions between MassDOT, the local commission and the US Army Corps of Engineers. The document also contains an administrative penalty of \$25,000 paid plus \$39,590 suspended upon full compliance.

11/23/15: MassDEP entered into a Consent Order with a \$45,412.50 Penalty involving Weymouth Braided Rug Company for Asbestos violations in Worcester. The Company - d/b/a North Oxford Mills - is a flooring contractor. The violations of the Asbestos regulations occurred during a November 2013 renovation at the former Worcester City Hospital. The company

removed large quantities of asbestos-containing floor tiles from a cafeteria and discarded them in an open top dumpster at the site. Today's Order requires payment of \$12,000 of the Penalty with an additional \$33,412.50 assessed and suspended provided there are no further violations for one year.

11/18/15: MassDEP entered into a Consent Order with Pond Ridge Condominium Association, for Water Supply violations in Sunderland. The Association must address repeated incidents in which the total coliform bacteria counts exceeded the maximum contaminant level within this water system. Today's Order includes required public notification for any repeat incidents, and response actions should multiple detects occur in within 12 months.

11/18/15: MassDEP entered into a Consent Order with a \$946 Penalty involving WhiteWater, Inc. for Wastewater Discharge violations in Acton. WhiteWater, Inc. is the wastewater treatment plant contract operator for the Nagog Park complex in Acton. WhiteWater Incorporation's violations pertained to the operation and maintenance regulations following an overflow event. On 9/9/15 MassDEP responded to an overflow event at the wastewater treatment plant and found that the contract operator was performing wasting operations into the sludge holding tank and left the site without shutting the pumps off. This resulted in sludge overflowing the holding tank. Today's Order requires the WhiteWater to perform an evaluation of the treatment facility to determine if sufficient control mechanisms are in place to prevent an overflow condition at the facility and pay the \$946 Penalty.

11/13/15: MassDEP entered into a Consent Order with Oxford Sutton Mass Condominium Trust for Groundwater Discharge violations in Oxford. The Trust violated the terms and conditions of its groundwater discharge permit associated with a wastewater treatment facility which serves a multi-use commercial development project known as Oxford Crossing in Oxford. The consent Order includes the requirement to transfer the permit from the current permit holder, Oxford Sutton Development LLC, to the Trust, and requires the Trust to perform an evaluation as to the cause of the permit noncompliance. Modifications to the treatment facility may be required based upon the results of the evaluation report.

11/10/15: MassDEP issued a Unilateral Boil Water Order to Shannon Hatch d/b/a The Rail Yard, for Water Supply violations in Erving. The Rail Yard must address multiple detections of e coli bacteria in its public water system and its source. Today's Order includes the requirement for public notice, implementation of the Emergency Plan, discarding of products made with contaminated water, monitoring and investigation and corrective actions. The Rail Yard has closed while it undertakes the corrective actions.

11/9/15: In a joint motion filed by the Commonwealth, through the Attorney General and MassDEP, and Stockbridge Corp., in Suffolk Superior Court, approval was made of a consent judgment that was entered in and allowed by Suffolk Superior Court Judge MacLeod. Stockbridge is a waste hauling company based in Amesbury. They have agreed to pay \$50,000 to settle claims by the AG and MassDEP that Stockbridge illegally dumped multiple loads of construction and demolition waste at an unpermitted site in Methuen (the Battye Site). The total payment of \$50,000 includes a \$36,000 payment in installments into a special fund established by the Commonwealth to help with the cost of site evaluation and subsequent cleanup work at the Battye site, with \$12,600 of that waived if payments are made timely; along with a \$5,000

civil penalty in installments, of which \$1,400 will be waived if those payments are made timely. The settlement also prohibits Stockbridge from unlawfully handling, storing or disposing of construction and demolition waste or other solid waste.

11/9/15: MassDEP entered into a Consent Order with the Two-State Young Men's Christian Association, Inc., for Water Supply violations in Becket. The Association, which serves as a water supply system, has agreed to address repeated incidents in which total coliform bacteria within the water system associated with well 09G (the Manor Well) were reported. Today's Order includes required response actions should multiple detects occur in the Well09G system within the next 12 months.

11/9/15: MassDEP entered into a Consent Order with a \$2,000 Penalty involving Oxford Transfer Station, LLC, for Waste-Ban violations in Oxford. Oxford Transfer Station, LLC must address its failure to comply with permit conditions. MassDEP issued a Notice of Noncompliance to the company in April 2015 after transfer station personnel were observed not separating clean cardboard from municipal solid waste (MSW) loads and not separating clean gypsum wallboard from construction and demolition (C&D) loads. This is a violation of Oxford Transfer Station LLC's approved Waste Ban Compliance Plan. MasssDEP conducted a follow-up inspection on 6/29/15 and observed the same violations. Today's Order requires immediately separating to the greatest extent possible all clean gypsum wallboard from incoming C&D loads and to diver these materials from disposal. In addition to correcting these violations, the company agreed to pay the \$2,000 Penalty.

11/9/15: MassDEP entered into a Consent Order with a \$13,282.50 Penalty involving Brian Sullivan d/b/a Full Service Landscape for Drinking Water violations in Monson. Brian Sullivan has agreed to address violations of Drinking Water Regulations when company personnel connected to East Longmeadow Department of Public Work's hydrant without a backflow prevention device and without the permission of the East Longmeadow DPW. public water system. East Longmeadow DPW alerted MassDEP to this violation. MassDEP issued the penalty of \$13,282.50. Sullivan will make payment of \$6,500 and MassDEP will suspend \$6,782.50 pending compliance with the provisions. Today's Order includes provisions for the training of Full Service Landscape employees on proper procedures and approval required for hydrant connections.

11/6/15: MassDEP entered into a Consent Order with a \$4,500 Penalty involving General Equities, Inc. for Waste Site Cleanup violations in Chicopee. General Equities, Inc. is an operator of convenience stores and self-service gasoline stations in Western Massachusetts. General Equities failed to notify MassDEP of a sudden release of diesel fuel that occurred at its station a 947 Burnett Road in Chicopee during a delivery to an underground storage tank (UST) on 2/25/15. The UST-monitoring equipment had a properly functioning alarm system at the time, but General Equities' personnel at the station did not respond appropriately to the alarm. MassDEP was notified of the release on 4/24/15 after company personnel noted signs of an oil release after snow piled in the area of the UST vent pipes had melted. General Equities completed all necessary cleanup of the release. In order to resolve the violations, General Equities agreed to the Penalty of \$4,500 and to re-train employees on responding to releases and threats of release from UST systems.

11/6/15: In a joint motion by the Commonwealth, acting through the Attorney General and MassDEP, and ENPRO Services, LLC (an environmental services company located in Salisbury) in Suffolk Superior Court, the approval of a consent judgment to settle claims of various hazardous waste and air quality violations by ENPRO was entered in and accepted by Judge Leibensperger. In a complaint filed with the joint motion and the consent judgment, the Commonwealth alleged that, at least since 2010, ENPRO treated hazardous waste without a license at one of its facilities in Newburyport; inaccurately represented the nature of its operations in Newburyport as recycling activity to the MassDEP; failed to properly manifest hazardous waste for transport; delivered hazardous waste to an unlicensed facility; and failed to properly manage, document, store, label, transport and record hazardous waste at another facility in Newburyport, along with failing to keep proper records with regard to its Stage II fuel dispenser at that same facility. The consent judgment requires ENPRO to pay a civil penalty of \$150,000 in the following manner: \$107,500 shall be paid in installments over 18 months and \$42,500 shall be suspended and waived if ENPRO satisfies all the requirements of the consent judgment, including hiring an independent third party inspector to conduct a comprehensive audit of all of ENPRO's Massachusetts facilities, implementing the recommendations of the audit and returning its Newburyport facilities to full compliance with environmental laws and regulations.

11/5/15: MassDEP issued a Boil Water Order to Montague Center Water District, Montague. The Order was issued to Montague Center Water District to address an acute Maximum Contaminant Level violation due to E.coli and total coliform bacteria detects associated with its tank. Today's Order includes the required public notice, implementation of the Center's Emergency Plan, discarding of products made with contaminated water, monitoring and investigation as well as corrective actions going forward.

11/5/15: MassDEP entered into a Consent Order with Southport on Cape Cod Condominium Association, Inc for Groundwater Discharge violations in Mashpee. Today's Order is based on the failure of the Association to properly maintain all facilities and equipment installed or used to achieve compliance with the terms and conditions of the groundwater discharge permit, and in accordance with the applicable regulations. Should the respondent fail to comply with the terms of the Order, there are stipulated penalties that will apply.

11/5/15: MassDEP entered into a Consent Order with a \$13,360 Penalty involving East Longmeadow Department of Public Works (DPW) for Water Supply violations in East Longmeadow. East Longmeadow DPW has agreed to address its failure to properly implement its cross-connection control program, including maintaining its equipment, completing all required tests of the cross-connection devices within its system during 2013 and fully and accurately reporting 2013 and 2014 tests to MassDEP. Today's Order includes payment of \$1,000 and suspension of \$12,360 pending compliance with Order's provisions. Today's Order includes requirements to revise previously submitted reports, completion of all required tests beginning in 2015, and maintenance of its equipment in accordance with drinking water regulations.

11/2/15: MassDEP entered into a Consent Order with Wheelwright Water District for Water Supply violations in the town of Hardwick. The District will address repeated incidents in which total coliform bacteria exceeded the maximum contaminant level within this transient non-

community public water system. Today's Order includes response actions should additional incidents occur.

11/2/15: MassDEP entered into a Consent Order with a \$2,300 Penalty involving the Catamount Development Corporation for Water Management violations in South Egremont. Catamount Development Corporation is the operator of the Catamount Ski Area. The Corporation has agreed to address Catamount's expansion of the use of its well beyond the approved withdrawal for that well. Catamount has agreed to investigate the cause of these incidents and either, prepare a plan to bring its facility into compliance or to install a new/additional well. In addition, Catamount will pay \$1,000 of the Penalty and the remainder is suspended provided that Catamount complies with the terms of today's Order.

11/2/15: MassDEP issued a Boil Water Order with Springdale Farms Water Supply Trust regarding Drinking Water violations. Springdale Farms is a community public water system serving 130 Dover residents. E. coli was detected in a sample of the untreated well water collected on 10/30/15. The well does not receive disinfection treatment, so a Boil Water Order was issued in accordance with the Ground Water Rule. Springdale Farms is conducting emergency chlorination of the water system and is conducting follow-up monitoring for coliform bacteria.

October 2015

10/28/15: MassDEP entered into a Consent Order with a \$27,200 Penalty involving Town Line Self Storage, LLC for Solid Waste and Wetlands violations in Malden. Town Line Self Storage, LLC owns a storage facility at 9 Linehurst Road, where it abuts properties, in Malden. In response to a complaint reporting illegal dumping near a wetland located near the storage facility, MassDEP inspected the area and found an excavator moving soil and solid waste, including tires, lumber, asphalt, brick and concrete in a bordering vegetated wetland (BVW). Also observed was loose asphalt mixture in bordering land subject to flooding (BLSF) and in buffer zone. The activity had no approval or authorization under Solid Waste or Wetlands program for this activity. MassDEP also found that the stormwater management system required under a previously issued Order of Conditions that was obtained for the storage facility was absent. The unauthorized filling and dumping resulted in approximately 500 square feet of BVW altered and filled with soil and solid waste and 1,000 square feet of BLSF filled with loose asphalt mixture. Today's Order serves as a cease and desist of solid waste dumping and filling, full characterization, proper removal and disposal of all fill and solid waste, and, full restoration of BVW and BLSF with long term monitoring. The document also requires \$5,000 of the Penalty with the remaining \$22,200 Penalty suspended, pending compliance, after 5 years.

10/28/15: MassDEP executed a Consent Order with a \$20,000 Penalty involving D & T Storage Trust for Wetlands violations at the location of a storage facility at 9 Linehurst Road in Malden. In response to a complaint reporting illegal dumping near a wetland located near the storage facility, MassDEP inspected the area found that the stormwater management system required under a previously issued Order of Conditions for the storage facility was absent. Today's Order requires and schedules the stormwater management system to be constructed pursuant to the plan(s) already approved. The document also contains a penalty of \$5,000 paid plus \$15,000 suspended after one year.

10/28/15: MassDEP entered into a Consent Order with the town of Burlington for Water Pollution Control violations. Under today's Order, the town is required to move forward with projects to identify and remove infiltration and inflow from their sewer system, which have contributed to the sewer system surcharging, and overflowing in both the Burlington and Woburn sewer systems.

10/27/15: MassDEP entered into a Consent Order with a \$14,380 Penalty involving BM, LLC, for Waste Site Cleanup violations in Salisbury. BM LLC must resolve violations of an Activity and Use Limitation, which occurred when this realty corporation conducted electrical-line installation work at 179 Bridge Road, Salisbury. BM LLC was cited for violations relative to this work because it was conducted without approval, and was conducted with improper management of contaminated soil. This is a marina property owned by BM LLC. They have agreed to pay \$7,000 of the Penalty and conduct future work in accordance with the specific activity and use limitations.

10/26/15: MassDEP entered into a Consent Order with a \$3,000 Penalty involving the Berry Plastics Corporation for Water Pollution Control violations in Easthampton. Berry Plastics was found to have been discharging floor cleaning waste to a storm drain at its O'Neill Street facility. On 7/15/15, at 10:00 AM, MassDEP was notified by the Easthampton Fire Department regarding the discharge of an unknown amount of a whitish brown liquid material into a storm drain at the Berry Plastics Corporation. MassDEP immediately responded to the site and determined that the liquid discharged was generated during floor cleaning/degreasing activities at the facility. Berry Plastics personnel were instructed to cease discharge of the material to the storm drain and arrange for cleanout of the storm drainage system. Subsequent to MassDEP's inspection, Berry Plastics had re-trained eleven maintenance and warehouse personnel who are operate the floor cleaning machinery. The company also developed a new standard operating procedure whereby all wastewater from floor cleaning activities is discharged to a floor drain that is tied into the sanitary sewer system. In order to resolve the violation, Berry Plastics has agreed to the \$3,000 Penalty.

10/26/15: MassDEP entered into a Consent Order with a \$7,500 Penalty involving Pride Convenience, Inc. relative to Waste Site Cleanup violations in Chicopee. Pride Convenience, Inc. is the owner and operator of the Pride Truck Plaza at 363 Burnett Road in Chicopee. Pride failed to notify MassDEP within 2 hours of obtaining knowledge of a sudden release of an estimated 50 gallons of diesel fuel. On 3/6/15, between 8:15 AM and 8:30 AM, a driver for a trucking company (A&R Logistics, Inc.) overfilled his fuel tank, releasing diesel fuel onto paved areas in the vicinity of the pump island. Pride employees were immediately aware of the spill and implemented initial cleanup actions to address the spill. However, MassDEP was not notified of the spill by a third party consultant for A&R Logistics, Inc. until 11:24 AM. In order to resolve the violation, Pride has agreed to pay a \$7,500 Penalty and re-train employees on appropriate response to oil and hazardous materials releases. [An enforcement action involving the trucking company, A&R Logistics, Inc. was resolved in September 2015].

10/26/15: MassDEP entered into a Consent Order with an \$8,000 Penalty involving Bonded Concrete Inc. for Hazardous Waste and Industrial Wastewater violations at the company's concrete batch plant in Pittsfield. MassDEP's inspection found that the company was disposing of industrial wastewater (concrete slurry and wash water) onto the ground of an adjacent

property, as well as hazardous waste recordkeeping and labeling violations. Bonded Concrete, which cooperated with MassDEP during the investigation, initiated corrective actions to address the noncompliance issues at its facility immediately after the inspection. Bonded Concrete will pay a \$5,000 of the Penalty, while \$3,000 will be suspended provided the company complies with all terms of the consent order.

10/26/15: MassDEP issued a Unilateral Order to Frederick V. Fijal, for Solid Waste violations in Hardwick. Fijal will address the accumulation of solid wastes at his property which were associated with his solid waste hauling business. Today's Order requires removal of the wastes within 180 days.

10/23/15: MassDEP issued an \$8,000 Penalty Assessment Notice to James M. St. Germain for filling and altering wetland resource areas including bank and land under water bodies at his property on Glen Echo Lake at 173 Sunset Drive in Charlton. MassDEP issued a Unilateral Order to St. Germain for filling and altering wetland resource areas at the same location in 2012, requiring him to stabilize and restore the resource area. In August 2015, in response to renewed complaints, MassDEP conducted an unannounced inspection and found that St. Germain had again conducted grading and filling activities that altered approximately 30 linear feet of bank and 100 square feet of land under water bodies. In addition to assessing the \$8,000 Penalty, MassDEP has now issued a second unilateral order requiring St. Germain to stabilize the area and hire a wetlands specialist to evaluate the extent of the alterations and submit a plan for the restoration of the affected resource areas.

10/22/15: MassDEP entered into a Consent Order with a \$17,200 for Air Quality and Wetlands violations involving Strategic Materials Inc. in Franklin. SMI is a large international glass recycling facility headquartered in Houston, Texas. Today's Order was issued for failing to comply with an air quality plan approval, excessive dust, odor and wetland violations in a high yield aquifer area and zone II wellhead protection area. An Order was also issued in 2011 for failing to obtain a plan approval. Then, in 2012, EPA fined SMI for Clean Water Act violations. Under today's Order, the facility has agreed to achieve and maintain compliance with the air quality plan approval, hire a wetlands scientist to update the wetlands assessment submitted in May 2015 and evaluate residual impacts of material deposition into the wetlands. They will submit several stamped documents to the MassDEP including a current Stormwater Pollution Prevention Plan and Stormwater Management System Improvements. SMI will also pay the \$17,200 Penalty for violating the Air Pollution Control and Wetland Protection Act regulations.

10/22/15: MassDEP entered into a Consent Order with Montague Retreat Center, Inc., for Water Supply violations in Montague. The Center is a transient non-community public water system. The Center has agreed to address repeated incidents in which elevated levels of total coliform bacteria occurred. Today's Order includes response actions should additional incidents occur.

10/21/15: MassDEP issued a Unilateral Order to The Michael C. Coakley Living Trust Trustee for Wetland Protection Act violations at 5 Packard Street in Woburn. In September 2009, Coakley filed a 'request for determination of applicability' or RDA, proposing to install a drainage pipe in the location of the existing stream flowing across the site, to add fill to the area, and to connect the pipe to the existing 42-inch culvert at the street abutting the site. The Woburn Conservation Commission (WCC) issued a negative determination of applicability, in essence,

finding that the site did not contain an area subject to protection under the Wetlands Protection Act or a buffer zone. MassDEP, however, intervened and appealed this decision, which ultimately resulted in MassDEP issuing a final superseding determination of applicability in 2010. MassDEP found that the intermittent stream channel located on site is in fact, connected to an upgradient and downgradient bordering vegetated wetland. Further, that wetlands resource areas and buffer zone to resource areas exist on site, and that the proposed work would take place within the wetland resource area. This meant a filing of a Notice of Intent (NOI) was required before work could begin. That MassDEP decision remains valid to date and will expire in April 2017 (pursuant to the permit extension act). On 9/10/14, the WCC issued an enforcement order to Coakley for "earthwork on site including piping a channel" without a valid Order, and also ordered Coakley to cease and desist. The WCC further required that the Wetlands alteration be corrected and the site returned to its original condition. Shortly thereafter, the WCC issued another enforcement order, citing the same violations and requiring that Coakley restore the site to its original condition, or, file an NOI by 10/9/14. In response to the second Order, Coakley filed an NOI proposing installing a drain manhole to connect the existing 24-inch pipe from the abutting property on the west and to install seventy-four (74) linear feet of 42-inch pipe to connect to the existing 42-inch pipe and headwall at the abutting street on the east (portions of the work already completed and to be authorized retroactively). On 1/23/15, the WCC issued an approval of an Order for the project with a finding that piping of the stream would result in seventy-four (74) linear feet of bank alteration. Then, on 2/4/15, MassDEP intervened and appealed the WCC Order because of the project's inability to comply with the performance standards for bank. In June 2015, MassDEP's review for an Order was put on hold pending an investigation and potential enforcement. Based on field observations by MassDEP staff on multiple occasions, MassDEP found the following: the presence of an upgradient and downgradient BVW and a hydrological connection within the intermittent stream channel connecting the two BVWs on the site; that the intermittent stream flows from the upgradient BVW through the site to the downgradient BVW; that the entire length of bank of the intermittent stream and portions of the 100-foot buffer zone to bank on the site had been cleared, grubbed, filled and roughly graded; the entire length of the intermittent stream bed on site had been excavated and was lined with crushed stone; that large rocks had been placed randomly along the toe of the altered bank; and, that the altered bank still confines the intermittent stream. Today's Order articulates MassDEP conclusions including that the clearing of all vegetation, excavating and grading within the intermittent stream and bank and the 100-foot Buffer Zone to bank has resulted in the alteration and impairment of one hundred and forty-eight (148) linear feet of bank. Today's Order requires that work immediately cease and desist, there be full restoration of the Wetlands and buffer zone, and, long-term monitoring and reporting be performed. Finally, MassDEP issued a denial for the applicant's NOI that had been under appeal.

10/20/15: MassDEP entered into a Consent Order with Eric Lafortune Waste Site Cleanup violations in Springfield. Lafortune is listed as a responsible party relative to a cleanup of a fuel-oil spill (release) at a property in Springfield. Lafortune, however, has failed to submit the required tier classification package and/or achieve a permanent solution and submit the resultant documentation in accordance with the timelines set forth in the regulations. On 10/25/13, oil contaminated soil was discovered during the removal of an underground storage tank, which was conducted on behalf of Lafortune. As receiver of the property, Lafortune failed to respond to a notice of responsibility, and interim deadline letter issued by MassDEP on 11/18/14. A notice of

noncompliance was subsequently issued on 2/25/15. Lafortune has now agreed to submit the required documentation with agreed upon deadlines.

10/19/15: MassDEP entered into a Consent Order involving Water Supply violations with Nancy Hazen, due to her ownership of the property where Shelburne Falls Coffee Roasters is located. Today's Order is due to repeated incidents of elevated levels of total coliform bacteria within this transient non-community public water system. Today's Order includes response actions should additional incidents occur.

10/19/15: MassDEP issued a Unilateral Order to Humphrey Street LLC for Wetlands violations at 0 Beverly Street in Revere. The property consists of approximately 5,800 square feet of undeveloped land and was subject to a Superseding Order of Conditions (SOC) that had been issued in 2002. That SOC, however, has since expired. The 2002 SOC found that the property contained isolated land subject to flooding (ILSF) and land subject to coastal storm flowage (LSCSF). In February 2015, Humphrey filed a Notice of Intent to construct two duplexes with decks, driveways, and associated utilities on the property. The Revere Conservation Commission issued a denial of an Order of Conditions in May 2015. That denial was appealed to MassDEP for an SOC. A site visit was conducted in July 2015. On 10/10/15, MassDEP staff observed the cutting and grinding of vegetation on the property that resulted in approximately 90% of the property being clear-cut. This work was done prior to MassDEP having completed its review of the Order. The work was done without MassDEP having issued an SOC approving or allowing these proposed activities. Today's UAO requires Humphrey to immediately cease and desist from removing or altering any wetland resource areas on the site, including, but not limited to, the ILSF and LSCSF.

10/15/15: MassDEP entered into an Amendment to an existing Consent Order with William Arnold-Ashby Market for Drinking Water violations in Ashby. The original Order was executed on 7/19/13. The town of Ashby is in the process of extending water line to the buildings in the center of town, including the Ashby Market building. The respondent has requested MassDEP to extend the timeline for baseline water quality sampling from 9/30/15 to 9/30/16, and this amendment grants that extension.

10/15/15: MassDEP had entered into a Consent Order involving Flo Chemical Corporation for Air Quality violations on 8/31/1. MassDEP today issued a Demand Letter to Flo Chemical Corp., a food and pharmaceutical coatings manufacturer in Ashburnham for \$14,288. The Demand was issued after the company failed to submit an air quality application within one year of the 2011 Order to modify its existing approval for the operation of the facility. The company will be required to pay the suspended penalty within 30 days of the demand. Following the demand letter, the company will be required to submit an application under an amended Order.

10/15/15: MassDEP entered into a Consent Order with an \$11,500 Penalty involving KarmCo Properties Realty Trust for Title 5 (septic system) and Drinking Water violations at 75-79 Turnpike Street in Ipswich. KarmCo owns a number of buildings at this location and leases space to various businesses. KarmCo operates a public water supply at this location and one of its septic systems is partially within the zone one of both KarmCo's PWS and its neighbor's zone one. Both KarmCo and its neighbor have been operating under Consent Orders since 2008 to resolve water supply compliance issues. Today's new Order supersedes the 2008 Order and was

necessitated by delays. Some delays were outside the control of KarmCo, in their demonstrated ability to achieve compliance with the 2008 Order through connection to the municipal water supply, the abandonment of the public water system and the upgrade of one of the septic systems. The new Order, which includes an \$11,500 suspended penalty, pending compliance with the terms, and does set new deadlines for compliance activities and final compliance will be achieved by 5/31/16.

10/15/15: MassDEP issued Notices of Noncompliance to nine (9) entities relative to the state's Waste Bans. These nine entities include retail stores and other businesses, which are being notified that they have violated the bans for disposing or transferring for disposal various materials subject to the solid waste regulations under 310 CMR 19.017(3). The state bans for disposal or incineration: wood and construction debris, cardboard and other recyclable materials and/or yard wastes. The violators were given 30 days to provide MassDEP with written descriptions of each action taken to correct the violations cited in these notices, including status reports on their efforts to achieve and/or maintain compliance with the waste ban regulations. More information: <http://www.mass.gov/eea/agencies/massdep/recycle/solid/massachusetts-waste-disposalbans.html>

10/8/15: MassDEP issued a Unilateral Order to Woolman Hill, Inc., for Water Supply violations in Deerfield. Woolman Hill is the owner and operator of the Woolman Conference Center in Deerfield. The Order resulted from the detection of e. coli bacteria in the public water system source. Today's Order requires public notice and prohibits use of the water for human consumption pending completion of its Emergency Plan, discarding of products made with contaminated water, monitoring and investigation and additional corrective actions.

10/8/15: MassDEP issued a Unilateral Order to Donnybrook, Inc., for Water Supply violations in Lanesborough. Donnybrook, Inc. is the owner and operator of the Donnybrook Country Club. The Order is a Declaration of a State of Water Emergency due to a failure of Donnybrook's disinfection treatment system (ultraviolet light). The UV light system is required by a previous Consent Order, which was necessary after persistent detections of total coliform in Donnybrook's well. Today's Order requires actions to abate the emergency and allow the use of alternate water through bulk water delivery and or bottled water to service consumers during the emergency.

10/7/15: MassDEP entered into a Consent Order with an \$11,212 Penalty involving Oxford Sutton Development LLC for Water Pollution Control violations. Oxford Sutton Development LLC has operated a wastewater treatment facility that serves a multi-use commercial development known as Oxford Crossing in Oxford. It holds a groundwater discharge permit which sets limits for the effluent of the facility. According to monitoring data collected by the company, those limits were repeatedly exceeded, including the limits for biochemical oxygen demand, total nitrogen, nitrate-nitrogen, and total suspended solids. Today's Order involves the payment of a \$11,212 Penalty and requires the company to transfer the permit to the current owner of the wastewater treatment facility.

10/1/15: MassDEP executed a Consent Order with an \$8,630 Penalty involving YRC Worldwide, Inc. for Waste Site Cleanup violations at 28 Sterling Road in Billerica. YRC Worldwide, Inc. of Lebanon, Pennsylvania, failed to make a timely report to MassDEP of a

sudden release of an estimated 50 gallons of diesel fuel that occurred due to an overfill of a commercial vehicle's fuel tank. This violation requires YRC Worldwide to pay \$1,000 with the remaining Penalty of \$7,630 suspended contingent on YRC's compliance with the terms of the Order. Today's Order also requires YRC Worldwide to prepare and submit to MassDEP an oil and hazardous material release reporting and response plan within 45 days. Additionally, there is a \$1,000 per day Penalty for any violation of today's Order.

10/1/15: MassDEP entered into a Consent Order with a \$7,500 Penalty involving Domenic Cassisi in Seekonk. Cassisi failed to conduct required comprehensive response actions at the site. A Notice of Noncompliance, issued to Domenic Cassisi on 6/13/14, outlined the required comprehensive response actions and established deadlines for completion of the response actions. Cassisi failed to submit the required comprehensive response actions by the timelines established in that NON. A Penalty of \$7,500 has been assessed for the above violations. Should the respondent fail to comply with the terms of the Order, there is a additional stipulated penalty provision.

September 2015

9/30/15: MassDEP entered into a Consent Order with \$105,000 Penalty involving the Realty Trust for 115-117 Merrill Avenue in Haverhill. The Order was signed by the Deutsche Bank National Trust Company and Ocwen Loan Service, LLC, with Deutsche Bank National Trust Company and Ocwen Loan Servicing, LLC for Wetland Protection Act violations. In April 2012, MassDEP executed Consent Order with the owner (at that time) of the property, Marilyn Campbell, for filling/alteration of 10,000 square feet of bordering vegetated wetland, and unauthorized activity in the buffer zone. That Order required full restoration. Deutsche Bank took ownership of the property by foreclosure in July 2013 prior to any restoration work being done. In January 2013 MassDEP began communication with Deutsche Bank about the prior obligations and Deutsche Bank represented that the requisite restoration would be done. However, because the work was not commenced, MassDEP issued a Unilateral Order to Deutsche Bank in February 2015. Today's Order now settles appeals of that Unilateral Order. The document contains provisions and schedule for full restoration. A \$30,000 Penalty will be paid plus \$75,000 suspended upon full compliance.

9/29/15: MassDEP entered into a Consent Order with a \$30,000 Penalty involving 626 GJS Centre Street Realty Trust for Waste Site Cleanup violations in Jamaica Plain (Boston). The Trust is the owner of the property at 626 Centre Street in Jamaica Plain. Specifically, the violations were for failure to comply with a notice of noncompliance issued by MassDEP on 5/12/14 and a previously-executed Order from 11/17/14. Today's Order now requires a phase two comprehensive site assessment by 1/30/16. The phase three (remedial alternatives) and phase four (remedial selection) report by 5/30/16. A permanent or temporary solution is due by 9/30/17. The Trust will pay \$4,000 with \$26,000 suspended pending compliance and no missed deadlines.

9/29/15: MassDEP issued a Notice of Noncompliance to Bob's Tire Company in New Bedford. In response to community concern in New Bedford around tire recycling operations, MassDEP conducted inspections of the 3 conditionally exempt facilities. At one facility, Bob's Tire Co., MassDEP inspector observed tire dust had been released to the ambient air and travelled offsite

causing a condition of air pollution in violation. MassDEP issued today's Notice to Bob's Tire Co. with stipulations on correcting the violation.

9/29/15: MassDEP entered into a Consent Order with a \$4,800 Penalty involving A&R Logistics, Inc. for Waste Site Cleanup violations in Chicopee. A&R Logistics, Inc. is a trucking company based in Louisville, Kentucky. A&R failed to notify MassDEP within two hours of a sudden release (a violation) following the release of an estimated fifty gallons of diesel fuel that occurred at the Pride Truck Plaza, 363 Burnett Road in Chicopee. The incident occurred on 3/6/15 between 8:15 AM and 8:30 AM, when a driver for A&R overfilled his fuel tank, releasing diesel fuel onto paved areas in the vicinity of the pump island. Employees of the service plaza implemented initial cleanup actions to address the spill. However, MassDEP was not notified of the spill by a third party consultant for A&R until 11:24 AM on that date. MassDEP inspected the site shortly after notification, observed that a 94 foot by 52 foot area of pavement had been impacted by the spill, and confirmed that a reportable release of diesel fuel had occurred. In order to resolve the violation, A&R agreed to pay a \$4,800 penalty and provide documentation of its employee training programs related to oil and hazardous materials releases.

9/28/15: MassDEP entered into a Consent Order with a \$10,000 Penalty involving Cottage Square Apartments regarding Air Quality violations in Easthampton. The Cottage Square Apartments, LLC is required to address air quality violations at a recently converted mill complex located on Cottage Street in Easthampton. MassDEP inspection revealed in 2014 that the complex, during its conversion from an old mill to apartments, Cottage Square had not notified MassDEP regarding the construction activities at the site, and was maintaining asbestos containing waste material at the site for greater than 30 days. In addition, the LLC was not able to provide asbestos waste shipment records to MassDEP when requested. Cottage Square will pay a \$7,000 Penalty, with the additional \$3,000 suspended pending Cottage Square's compliance with the terms of the consent agreement.

9/25/15: MassDEP entered into a Consent Order with Ashfield Water District in Ashfield. Under today's Order, the Ashfield Water District has agreed to address repeated incidents involving elevated levels of total coliform bacteria within this community public water system. Today's Order includes response actions should additional violations occur.

9/25/15: MassDEP entered into a Consent Order with Butternut Basin, Inc., for Water Supply violations in Great Barrington. Under today's Order, Butternut Basin Inc. has agreed to address repeated incidents in involving elevated levels of total coliform bacteria within this transient non-community public water system. Today's Order also includes response actions should additional incidents occur.

9/24/15: MassDEP entered into a Consent Order with an \$8,437 Penalty involving North Shore Medical Center Union Hospital for Air Quality and Hazardous Waste Management violations at 500 Lynnfield Street in Lynn. MassDEP had inspected Union Hospital on 2/19/15 and determined both hazardous waste and air quality violations present. Some of these violations included acting out of status (generating more hazardous waste than the amount under which it had registered) and failure to post the required signage as well as failure to properly label containers of hazardous waste, waste oil and universal waste. In addition, the facility failed to

post a copy of its plan approval as required under Air Quality regulations. In addition to correcting the violations, North Shore Medical Center has agreed to pay the \$8,437 Penalty.

9/22/15: MassDEP entered into a Consent Order with a \$35,625 Penalty involving Fitchburg Properties LLC for Asbestos violations in Fitchburg. The LLC will resolve multiple violations of the asbestos regulations that occurred during a September 2013 renovation project at its Fitchburg site. Inspection by MassDEP found dry, friable, asbestos-containing insulation on the floor, on cut-down heating pipes, and on a loading dock at the facility. Today's Order now requires payment of a \$15,000 penalty with an additional \$20,625 suspended provided there are no further violations for one year.

9/22/15: MassDEP entered into a Consent Order with a \$30,000 Penalty involving Blue Hat Realty Trust for Waste Site Cleanup violations at 357 Essex Street in Swampscott. The Trust is the owner of the property where the specific violations occurred including the failure to comply with a Notice of Noncompliance ("NON") issued on 6/6/14. The company is required to submit a phase four remedy implementation plan by 3/5/15. Blue Hat Realty Trust did not comply with an earlier notice. MassDEP and Blue Hat Realty Trust have now agreed to pay \$3,000 of the Penalty with the remaining \$27,000 suspended pending compliance. Blue Hat must submit a Permanent Solution statement by 11/12/17.

9/21/15: MassDEP entered into a Consent Order with an \$8,630 Penalty involving 290 Highland Avenue LLC, for Waste Site Cleanup violations at 290 Highland Avenue in Somerville. The LLC owns this property where specific violations involve failure to meet cleanup deadlines. Under the regulations, releases must submit notification within 72 hours when a release of volatile organic compounds detected in groundwater exceed the applicable groundwater standard, within 30 feet of a residential structure and the average depth to groundwater is less than 15 feet. MassDEP was not notified of contaminated groundwater within 72 hours as required. The LLC has agreed to pay \$3,630 of the Penalty with the remaining \$5,000 suspended.

9/18/15: MassDEP issued a Declaration of Water Emergency to Meadowbrook Acres Limited Partnership for Water Supply violations in Brimfield. The Partnership is the owner and operator of the Meadowbrook Acres Mobile Home Park. The Order was issued due to a loss of water and/or low water pressure for its consumers. The Order requires actions to abate the emergency and allow the use of alternate water through bulk water delivery and or bottled water to service consumers during the emergency.

9/18/15: MassDEP entered into an Amendment to an existing Consent Order with the city of Worcester relative to the Greenwood Street Landfill. The original consent order was executed on 8/4/15. The amendment refines the amount of soils that will be transported to the city's Greenwood Street Landfill to development parcels from a city school construction project. The amendment also reduces some of the air monitoring associated with the stockpiling of the soils.

9/16/15: MassDEP entered into a Consent Order with a \$5,750 Penalty involving Garelick Farms, LLC, for Industrial Wastewater violations at 626 Lynnway in Lynn. The violation was reported to MassDEP by Garelick Farms, LLC, stating that they had discovered that its boiler blow-down water was discharging to the storm water system. MassDEP personnel conducted an

inspection on 6/2/15, and verified the violation. The facility immediately hired an outside contractor who re-routed boiler blow down to local sewer authority. The facility paid the full Penalty of \$5,750 for Industrial Wastewater violations.

9/15/15: MassDEP during the month of September issued four Notices of Noncompliance and entered into one Consent Order regarding enforcement of the state's Waste Bans. The entities include companies and retail stores, and the violations involve the disposal - or the transfer for disposal - various materials subject to waste disposal bans (e.g. wood and construction debris, cardboard, yard waste and other recyclable materials). The violators were given 30 days to provide MassDEP with written descriptions detailing how they will take action to correct the violations that have now been cited. These entities must also submit status reports on these efforts to achieve and/or maintain compliance with the waste ban regulations. More information: [Waste Bans](#)

9/14/15: MassDEP issued a Do Not Drink Unilateral Water Supply Order to Hubbardston Elderly Housing, Inc, the owner and operator of a Community Public Water System. The Hubbardston House Apartments at 3 Old Princeton Road in Hubbardston had samples that were collected that MassDEP determined showed that a level of nitrate that exceeded the maximum contaminant level. Nitrate at concentrations in drinking water greater than 10 milligrams per liter may pose an acute risk to infants under six months old. Today's Order requires the water supplier to provide tier one public notice to all consumers outlining the danger to infants. The Order also requires the water supplier to retain the services of a registered professional engineer to evaluate the facility's compliance with the zone one, or protective radius around the water source. The Order also requires certain source protection requirements, specifically to evaluate all aspects of the on-site sewage disposal system; and, the submittal of a corrective action plan and an emergency response report. Through this action the owners will continue to provide water that is safe and fit to drink.

9/11/15: MassDEP entered into a Consent Order with a \$920 Penalty involving Concrete Block Insulating Systems, Inc. for Industrial Wastewater violations in West Brookfield. Concrete Block Insulating Systems, Inc. failed to submit an industrial wastewater holding tank certification form for its in-ground tank. The tank collects boiler blow-down and compressor condensate. The assessed penalty is \$920. MassDEP personnel observed the violation during an inspection of the company's facility located 4 Freight House Road in West Brookfield on 12/5/14. The company will be undertaking a Supplemental Environmental project worth \$752 that will be to the benefit of the local volunteer fire department with a storm drain cover.

9/11/15: MassDEP entered into a Consent Order with a \$5,565 Penalty involving Woodlands Village at Hickory Hills Lake Condominium Trust in Lunenburg. The Trust has agreed to resolve violations of water pollution control requirements. Monitoring of the effluent from the Trust's wastewater treatment system for the condominiums showed violations of its groundwater discharge permit limits for biochemical oxygen demand, total nitrogen, nitrate-nitrogen, and total suspended solids. The order requires the Trust to pay the Penalty and to update its Operation and Maintenance manual, and to make improvements to the system. These upgrades will prevent future permit violations.

9/11/15: MassDEP entered into a Consent Order with a \$1,000 Penalty involving W.R.E., LLC, for Waste Site Cleanup violations in Marlborough. The LLC failed to meet the response action deadlines. Today's Order requires the submittal of a phase two (or comprehensive site assessment) and phase three and four plans (or alternatives and implementation plans), followed by a temporary or permanent solution within three years.

9/11/15: MassDEP issued a Unilateral Order to Nirmala LLC for Water Supply violations in Uxbridge. Nirmala LLC and Mitaben Patel (d/b/a Nirmala LLC) are the owners of a transient, non-community water supply at the Quaker Motor Lodge and Conference Center. Today's Order requires Patel to hire a certified drinking water system operator.

9/11/15: MassDEP entered into a Consent Order with a \$38,190 Penalty involving Wells Fargo Bank for Waste Site Cleanup violations in Fitchburg. Wells Fargo failed to perform an Immediate Response Action and for failure to submit required documents for a release of oil at 27-29 Henry street in Fitchburg. MassDEP was first notified of an oil spill in the building basement at the 27-29 Henry Street property by the local board of health. State-funded cleanup of the spill was initiated at that time. Wells Fargo failed to respond to requests to continue cleanup of the spill and submit documents as required. Wells Fargo has now agreed to pay the \$38,190 Penalty, and continue the required response actions with the completion of the cleanup of the spill by the end of 2018. They will also establish an environmental point of contact for environmental matters within the Commonwealth and distribute that contact information, and specific oil and hazardous materials release instructions to its real estate brokers for properties located in the Commonwealth.

9/10/15: Mass Clean Energy Center released the final acoustic study for Kingston Wind Turbine. MassCEC released this final study after considering public comments on an April 2015 draft. The April draft report found some conditions where incidents involving elevated levels of MassDEP's noise guidelines may occur beyond what had previously been identified in 2014. The conclusions in the final report remain unchanged from the April draft, with the only changes being clarifications and typo corrections. MassCEC provided the report to the town, the operator and citizens. The town has been the lead for addressing its wind turbine noise issues, and DEP will continue provide support and assistance to the town as they attempt to address noise impacts. Now that the report is finalized, the town will hold a board of health hearing (likely October 2015) where the town will propose any revisions to their current abatement order, and personnel from MassDEP and CEC will likely attend to provide technical support.

9/10/15: MassDEP entered into a Consent Order with Summit Hill, Inc. for Water Supply violations in Washington. Summit Hill, Inc. has agreed to address repeated incidents of the maximum contaminant level for total coliform bacteria at its campground in Washington, a transient non-community public water system. Today's Order includes response actions should additional incidents occur.

9/4/15: MassDEP entered into a Consent Order with Prospect Mountain Campground, Inc. for Water Supply violations in Granville. Prospect Mountain Campground, Inc. must address repeated incidents of maximum contaminant level for total coliform bacteria at its campground in Granville, a transient non-community public water system. Today's Order includes response actions should additional incidents occur.

9/4/15: MassDEP issued a Demand for Stipulated Penalties to Nick Marietos, d/b/a Grapevine Grille in Belchertown. MassDEP issued the letter associated with the failure to complete actions agreed to in a Consent Order regarding corrective actions to address incidents involving the maximum contaminant level for nitrate in public water system.

9/3/15: MassDEP was notified that a Suffolk Superior Court has issued a Final Judgment and Order involving Merrimack Street Redevelopment Authority, LLC and David Padellaro, 7-19 South Canal Street in Lawrence. The Order requires defendants to pay a civil Penalty for violations of the Massachusetts Clean Air Act, chapter 21E and Solid Waste Management Act in the amount of \$400,000 as follows: \$125,000 is to be paid to the Commonwealth within 60 days; \$75,000 to be paid into the Natural Resource Damages Trust; and, \$200,000 is suspended provided defendants comply with the Judgment. The judge also ordered defendants to pay to the Commonwealth \$79,800, which represents three times the amount of the \$26,600 administrative penalty imposed by MassDEP as part of an Order issued by MassDEP back in October 2011, including interest; and \$111,300.30 as reimbursement in full for response costs MassDEP incurred, including interest, in connection with the release through December 2014. In addition, the judge entered a permanent injunction requiring defendants to cease and desist, any and all demolition, renovation, and/or salvage activity at the site except to comply with requirements in the judgment such as submitting for MassDEP review and approval a plan to clean up the site of remaining asbestos containing material and implementing the approved plan.

9/3/15: MassDEP entered into a Consent Order with Recreation Unlimited, LLC, for Water Supply violations in Plainfield. Recreation Unlimited, LLC is the operator of Peppermint Park in Plainfield. The Park must address repeated incidents in which the maximum contaminant level for total coliform bacteria at its campground in Granville, a transient non-community public water system. Today's Order includes response actions should additional incidents occur.

9/1/15: MassDEP entered into a Consent Order with a \$1,250 Penalty involving Pavestone LLC for Waste Site Cleanup violations in Brimfield. Pavestone is a concrete products company with a facility in Middleboro. Pavestone failed to submit a release notification form and immediate response action plan following the release of 50 gallons of diesel fuel that occurred on the Massachusetts Turnpike in Brimfield. The release occurred on 3/9/15, when a tractor-trailer unit owned and operated by Pavestone was involved in a multi-vehicle accident at the location. Response actions were performed on that date by an environmental contractor retained by MassDEP. Although Pavestone indicated initially it would complete the cleanup initiated by MassDEP, Pavestone failed to submit documentation from the cleanup, and failed to respond to a notice of noncompliance issued in May 2015 that allowed an extension of the deadline to submit the required information. In signing today's Order, Pavestone agreed to submit the missing documentation, complete the cleanup and pay the \$1,250 Penalty.

August 2015

8/25/15: MassDEP entered into a Consent Order with a \$6,000 Penalty involving the Abu-Zahra Family Trust for Wetlands violations in Rowley. Initially the Trust received a negative Determination of Applicability to construct a roadway connection, known as Cindy Lane connection, between two previously constructed residential subdivision roadways in the Buffer zone to bordering vegetated wetlands on a pond. This negative determination, however, was appealed to MassDEP by an abutter. The Trust, nevertheless, constructed the Cindy Lane

connection with insufficient stormwater controls at its own risk prior to a decision being made by MassDEP. MassDEP issued a superseding determination, noting that a notice of intent is required. The Trust subsequently filed and received its order of conditions, which was also appealed to MassDEP by an abutter. MassDEP issued a superseding order denying the project because it failed to meet stormwater requirements. The Trust appealed the order which resulted in a final decision denying the project. The Trust then filed another notice for the Cindy Lane connection that was issued an order approving the project. That order was, again, appealed to MassDEP and was put on procedural hold pending enforcement action. The result of that enforcement is the Trust is required submit a plan to MassDEP that, within specific parameters, proposes to meet the Stormwater Management Standards to the maximum extent practicable. The plan must also contain specifications for erosion control and restoration of buffer zone to the extent practicable. Today's Order contains deadlines for implementation of the approved plan. Today's Order also contains the provision that the \$6,000 Penalty will be fully suspended after two years if the Trust remains in compliance.

8/25/15: MassDEP issued a Declaration of Water Emergency to Mark Asnes d/b/a Wales Brookside Village for Water Supply violations in Wales. The public water system reported is was losing water, possibly due to one or more water main breaks. Initially, the water supplier was provided verbal approval, which was followed by the written confirmation. The Declaration allowed the use of bulk or bottled water by the water supplier to restore water in its systems and/or to provide water to customers.

8/24/15: MassDEP entered into a Consent Order with an \$8,000 Penalty involving A&D Metal, Inc. for Industrial Wastewater, Solid Waste and Hazardous Waste violations in Westfield. A&D makes and repairs precision and other metal parts. An inspection at the company's Westfield facility revealed that A&D was disposing of industrial wastewater into its septic system and disposing of solid waste onto the ground outside its building. The inspection also revealed hazardous waste record-keeping and labeling violations. A&D initiated corrective actions to address the noncompliance issues at its facility immediately after the inspection. As part of the consent agreement, A&D will pay a \$4,000 of the Penalty, with the additional \$4,000 suspended pending the company's compliance with the terms of the agreement.

8/24/15: MassDEP entered into a Consent Order with Granite City Crushing, LLC for Solid Waste violations in Dartmouth. On 12/17/14, MassDEP issued a notice of noncompliance for Solid Waste violations including crushing asphalt, brick and concrete materials without the proper permit. Further, the notice required that GCC submit a plan to return to compliance. Due to local zoning, GCC is not able to continue an ABC crushing business at this location. In order to crush the material currently on site and return to compliance, the town of Dartmouth and GCC entered into an agreement and judgment. MassDEP and GCC have entered into today's Order that contains a plan and schedule to allow GCC to process and remove all ABC from the site in a timely manner.

8/21/15: MassDEP issued a Boil Water Order to Ronald Messenger d/b/a Twin Brook Camping Area for Water Supply violations in Tolland. MassDEP issued a Boil Water Order to Ronald Messenger d/b/a Twin Brook Camping Area in response to e coli bacteria detections within its (groundwater) public water system source. Today's Order requires public notification, implementation of the public water system's emergency response plan, corrective actions and

additional monitoring. Subsequent monitoring also detected e coli bacteria in the source, triggering corrective action responses in accordance with federal Groundwater Rule.

8/19/15: MassDEP entered into a Consent Order with A-Plus Waste Removal & Recycling, LLC, for Solid Waste violations in Middleborough. A compost windrow (section) caught fire 8/19/15 evening at the composting operation located at 88 River Street in Middleborough. Several fire departments from the area responded to extinguish the fire. The cause of the fire is under investigation by the local fire department. MassDEP inspected 8/20/15 visited the site and the last of the fire had been extinguished. A-Plus has a general permit pursuant to a composting operation. The solid waste section has conducted numerous site inspections this year in response to complaints, primarily odor complaints, from neighbors. MassDEP sent a notice of enforcement conference to the owner on 8/11/15 and an enforcement conference is schedule for 8/27/15.

8/18/15: MassDEP issued a Unilateral Order to the Russell Water Department for Water Supply violations. The Russell Water Department has failed to issue and distribute a Consumer Confidence Report for the Calendar Year 2014 as required. The Order requires the annual report's production and distribution, and further, that the public water system will certify that it has completed these tasks.

8/12/15: MassDEP executed a Consent Order with a \$20,000 Penalty involving New England Produce Center, Inc. to resolve Waste Site Cleanup violations in Chelsea. New England Produce Center, Inc, must resolve violations of an Activity and Use Limitation which occurred when New England Produce Center, Inc conducted water-line repair and installation work on three separate occasions at their property located at 90 New England Produce Center, Chelsea. New England Produce Center, Inc. was cited for conducting work without approval and improper management of contaminated soil, and agreed to pay an administrative penalty in the amount \$20,000 and conduct future work in accordance with the AUL.

8/12/15: MassDEP entered into a Consent Order with a \$30,000 Penalty involving Gary Janice as trustee of 84 Bennett Street Realty Trust for Waste Site Cleanup violations at 84 Bennett Street in Lynn. As owner/operator of the property, the Trust specifically failed to meet deadlines set out in a notice of noncompliance issued by MassDEP on 5/21/14. Today's Order requires a phase four status report on the cleanup by 9/8/15, and either a remedy operation status report which meets the requirements, or a permanent solution statement which meets the requirements 3/30/16. Today's Order stipulates that \$3,000 of the Penalty is payable and the remaining \$27,000 suspended pending compliance with penalties for any missed deadlines.

8/11/15: MassDEP entered into a Consent Order with a \$30,200 Penalty involving Joseph Basile for Asbestos violations in Springfield. MassDEP discovered Asbestos violations during a complaint inspection of Basile's rental property located at 127 Olmstead Street in Springfield. During the inspection, MassDEP found unsealed bags containing asbestos in the back yard of the residence, and an inspection of the basement revealed that asbestos had been improperly removed from the boiler and pipes. Basile was ordered to hire a contractor and clean-up the property, including the proper removal, handling and disposal of the asbestos-containing material. As part of the settlement agreement, Basile will pay \$14,000 of the Penalty, with an additional \$16,200 suspended pending compliance with the Order.

8/11/15: MassDEP issued a Unilateral Order to Safe Environment of America (SEA) Inc., regarding Asbestos and Waste Site Cleanup violations in Ludlow. SEA is the operator of a storage trailer located at 100 Moody Street in Ludlow. At that location, a 53-foot trailer was found to be full of bags of asbestos-containing material (ACM) that was generated by SEA's ACM abatement operations over the course of many months. SEA has been ordered to remove the storage trailer from the property within 14 days and dispose of the ACM in accordance with all applicable regulations, and provide documentation of its proper disposal.

8/10/15: MassDEP issued a Declaration of a Water Supply Emergency to Mark Asnes d/b/a Wales Brookside Village, Wales. MassDEP issued a Declaration of Water Emergency to Wales Brookside Village to allow for the delivery of bulk water to this mobile home park to provide water for residents while a break was repaired and to assist in recovery after the repair.

8/7/15: MassDEP issued a Boil Water Order to Beltane Hill LLC, for Water Supply violations in Middlefield. The boil-water order was issued in response to total coliform and e coli bacteria detections within this public water system (PWS) known as Azure Green (a warehouse facility). The Order requires public notification, implementation of the public water system's emergency response plan, corrective actions and additional monitoring.

8/5/15: MassDEP entered into a Consent Order with Elijah James for Asbestos violations in Worcester. The violations were discovered at a three-family residence during a January 2013 inspection by MassDEP, which was following up on a complaint of improper asbestos removal. Inspectors found numerous asbestos-insulated pipes lying uncontained on the basement floor along with a disconnected asbestos-insulated boiler. MassDEP required the basement to be cleaned up and decontaminated by a licensed asbestos contractor. No penalty was assessed in the matter after James provided documentation supporting an inability to pay a penalty claim.

8/5/15: MassDEP entered into a Consent Order with a \$4,759 Penalty involving Peterborough Oil Co. for Waste Site Cleanup and Groundwater violations at 1274 Main Street in Ashby. MassDEP first identified problems with a groundwater treatment system in operation at the property during review of remedial reports submitted by the company. MassDEP's inspection confirmed the groundwater remedial system was not operating properly and was subject to frequent shutdowns. Periodically, this system also caused unpermitted surface discharges of remedial wastewater. The company has agreed to pay the \$4,759 Penalty and submit a revised plan for operation and maintenance of the groundwater treatment system to correct the problems.

8/3/15: MassDEP entered into a Consent Order with a \$23,010 Penalty involving ARE-MA Region No. 34 LLC for Waste Site Cleanup violations in Cambridge. ARE-MA Region No. 34 LLC is the owner of the property at 225 Binney Street, Cambridge where a previous release had been reported, a/k/a, a Brownfield site. The company has been redeveloping and remediating this site at this site. Today's Order specifies violations during construction of the new facility. Today's Order sets out facts describing the following: failure to notify of a release as required; conducting a Release Abatement Measure prior to submitting a RAM plan as required; and, conducting utility-related RAM prior to notification of the contaminants.

July 2015

7/29/15: MassDEP issued a Boil Water Order to Williamstown Conservation Commission for Water Supply violations in Williamstown. The Order was issued in response to a detection of total coliform and e coli bacteria within its public water system (PWS). The Order requires public notification, implementation of the public water system's emergency response plan, corrective actions and additional monitoring.

7/28/15: MassDEP executed a Consent Order with George Roukounakis regarding Waste Site Cleanup violations at 55 South Main Street in Cohasset. Today's Order is based on the failure of Roukounakis to conduct required comprehensive response actions at the site. Prior to today's action, MassDEP issued a notice of noncompliance, issued to Roukounakis on 6/9/14 that outlined the required comprehensive response actions and established deadlines for completion of the response actions. In response to a request by Roukounakis, an ACO was negotiated, establishing new deadlines for the completion of required comprehensive response actions. An extension of the permit to continue response actions is due by 8/28/15, with a comprehensive site assessment due by 12/30/15, and a temporary or permanent solution by 9/30/16.

7/28/15: MassDEP entered into a Consent Order with a \$16,500 Penalty involving the North Chelmsford Water District for Wetlands violations at 55 Richardson Road in Chelmsford. In response to a complaint, MassDEP inspected the site and found that NCWSD had filled approximately 8,800 square feet of bordering vegetated wetland (BVW) and approximately 1,000 square feet of bordering land subject to flooding (BLSF) without authorization. The location of the unauthorized activity is in an area now proposed for a water line connecting a new wellhead to the water treatment plant. After performing and submitting a MassDEP required alternatives analysis for the pipe location, NCWSD has demonstrated that locating the pipe in the BVW is an activity that may be permitted provided all the BVW and BLSF is restored. NCWD has filed the appropriate notice of intent and a water quality certificate application for the water line construction. Today's Order now dictates the provisions and schedule for full restoration and long term monitoring of the BVW and BLSF when the water line is constructed. The Chelmsford Conservation Commission is working in cooperation with MassDEP on the implementation regarding the authorizations and the conditions for restoration and monitoring. The document requires the NCWD to pay \$8,000, with the remaining \$8,500 will be suspended upon full compliance.

7/27/15: MassDEP entered into a Consent Order with a \$4,250 Penalty involving Alan Thiel and Vicki Grayson to address Wetlands violations at their residence in West Stockbridge. The conversion of approximately 15,000 square feet of bordering vegetated wetlands to lawn use was discovered by MassDEP, investigated and confirmed. Today's Order requires the restoration of the altered area. In addition, the \$4,250 Penalty will be suspended in its entirety provided that the homeowner completes the restoration.

7/27/15: MassDEP issued a Declaration of Water Emergency to the First Light Visitors Center in Northfield. FirstLight Hydro Generating Company must address a short-term water quantity and water quality emergency. The company was completing routine maintenance and inspection activities of the drinking water storage tank. While those activities are underway, the Declaration and Order allow the company to use alternate water for human consumption such as bulk or bottled water, ensuring adequate and safe water for its users.

7/24/15: MassDEP entered into a Consent Order with a \$2,860 Penalty involving Indian Hills Realty Trust for Water Supply violations in Rehoboth. The Realty Trust had failed to have a certified operator and perform the required sampling at Indian Hills Plaza. Today's Order requires IHRT to perform all required monitoring and to hire a certified operator and submit a certified operator compliance notice to MassDEP within 30 days. A penalty of \$5,720 was assessed with \$2,860 payable within 30 days and the remainder suspended contingent upon compliance with the Order.

7/24/15: MassDEP issued a Unilateral Order to Tucker-Roy Marine Towing and Salvage (Attn: Conrad Roy) regarding wetlands activities being performed at 302 Herman Melville Boulevard in New Bedford. MassDEP responded on 7/23/15 about a report from the U.S. Coast Guard that a barge was being pumped out and the discharge water was creating a sheen of oil. MassDEP also observed that sediment laden water was being discharged from the barge into New Bedford Harbor. Today's Order requires that Tucker-Roy immediately cease and desist from any activity affecting wetland resource areas at the site.

7/23/15: MassDEP entered into a Consent Order with a \$20,000 Penalty involving Lynn Water & Sewer Commission for Clean Water Act violations at the wastewater treatment plant at 2 Circle Avenue in Lynn. The violations also involved the state Surface Waters Discharge Permit Regulations, the state's Operations and Maintenance Regulations and the federal permit, or National Pollutant Discharge Elimination System Permit. Operations staff at the plant shut the influent gate to the wet-well causing a bypass of treatment and three dry-weather discharges from the LWSC combined sewer outfall pipes. The influent gate was shut without proper planning analysis and without notifying MassDEP, as required. As a result of using only anecdotal information, the wastewater collection system for the entire city of Lynn surcharged portions of the wastewater system upstream of the plant that caused three concurrent dry-weather discharges. The total duration of the event lasted approximately four and half hours and cumulatively released approximately 95,000 gallons of raw sewerage into Lynn Harbor and the Saugus River. Knowledge of the dry-weather discharges was not identified by LWSC or their contract operator for an additional eight hours after the point when discharges commenced due to a lack of coordination and communication between LWSC and their wastewater operator. Today's Order requires the LWSC to prepare and submit a final high-flow management plan, and final overflow response plan, as well as a plant operations and maintenance emergency response plan and a piping plan for MassDEP review and approval.

7/22/15: MassDEP entered into a Consent Order with a \$3,000 Penalty involving General Cleaners for Hazardous Waste, Environmental Results Program and Toxics Use Reduction Act violations in Holyoke. General Cleaners provides dry cleaning and other cleaning services. A MassDEP inspection revealed that the facility failed to comply with numerous operating procedures, inspection procedures, and record keeping procedures pursuant to the ERP program for dry cleaners. The inspection also revealed violations of numerous "housekeeping" requirements regarding the handling of its hazardous waste and failure to file with the TURA program and pay the associated TURA fees. General Cleaners, which cooperated with MassDEP during the investigation, initiated corrective actions after receiving notice of the violations. As part of a Consent Order, General Cleaners will pay \$1,000 of the Penalty. The remaining \$2,000 will be suspended pending the company's compliance with the terms of the agreement.

7/22/15: MassDEP entered into a Consent Order with Palladium Holdings, LLC, for Asbestos and Solid Waste violations at 76 Morgan Street in Granby. MassDEP found several piles of C&D waste at the site which subsequent testing revealed to be asbestos containing. The landowner captured pictures of additional dumping taking place which identified Eric Taub of Palladium Holdings, LLC as the person dumping the material at the location. Palladium Holdings was ordered to hire a contractor and clean-up the property, including the proper removal, handling and disposal of the asbestos containing material. Palladium Holdings, LLC has been determined to be financially unable to pay a penalty, but is required to implement best management practices for all future asbestos abatement activities.

7/21/15: MassDEP entered into a Consent Order with the town of Bourne relative to Waste Site Cleanup violations at 120 Main Street in Bourne. The town of Bourne is the owner of 120 Main Street in Bourne, from which there has been a release of oil and hazardous materials. In January 2015, MassDEP issued the town a Notice of Noncompliance for having failed to complete the response actions that are called forth in the regulations, and failing to have done so in a timely manner. Bourne requested additional time in which to comply with the deadlines contained in the NON. Today's Order establishes those new deadlines.

7/21/15: MassDEP was notified by the Massachusetts Attorney General's Office that the case of the Commonwealth v. David C. Rogers has recently occasioned the filing of a Complaint and Consent Judgment in Suffolk Superior Court against David C. Rogers of Chatham. This coastal wetlands enforcement action alleges that Rogers altered multiple resource areas on his property and adjacent properties in Chatham, including coastal bank, dune, beach, and salt marsh, when he operated a track loader within these areas on 2/2/14. The settlement agreement calls for a total penalty of \$179,000 as follows: \$140,000 Penalty with \$50,000.00 of the Penalty subject to waiver upon MassDEP's approval of the restoration plan's full implementation (\$90,000 penalty not subject to waiver) and a \$39,000 Supplemental Environmental Project (SEP) to be used by the town of Chatham to develop, implement and monitor one or more wetland protection or enhancement projects in coastal wetland resource areas. In addition to these Penalties, the settlement requires Rogers to fully restore and remedy all wetland resource areas allegedly altered.

7/20/15: MassDEP issued a Unilateral Order to Empire Recycling, LLC for Solid Waste violations related to its facility in Billerica. The facility has been inspected numerous times over the last several years, some resulting in higher level enforcement cases resolved through the issuance of Administrative Consent Orders with Penalty ("ACOPs"). During MassDEP's most recent inspection at the facility in June 2015, MassDEP observed more than 50 containers of construction and demolition waste (C&D) and municipal solid waste. The facility site is not site-assigned nor is it permitted to receive, store, handle or process either of these wastes. During the June 2015 inspection, MassDEP also observed Empire storing recyclable materials, baled residuals and solid waste outside and uncovered in violation of the facility's permit. Today's Order requires Empire to cease all operations until the Facility can operate in compliance with the solid waste statute and regulations. They must also remove and properly dispose of all of the accumulated solid waste at the facility, and operate at all times in compliance with the requirements of their permit and all applicable regulatory requirements. In addition, the facility must submit for MassDEP review and approval a final operations and maintenance plan.

7/20/15: MassDEP issued a Demand for \$7,420 in a previously Suspended Penalty to Empire Recycling, LLC relative to Solid Waste violations related to Empire's recycling facility in Billerica. The facility has been inspected numerous times over the last several years. An initial Demand for Suspended Penalty for \$7,000 was issued on 2/26/15 for, among other things, Empire's failure to submit a final operations and maintenance plan ("O&M Plan"). The O&M Plan has still not been submitted for MassDEP review and approval. MassDEP's most recent inspection at the facility took place in June 2015, when MassDEP observed more than 50 containers of construction and demolition waste and municipal solid waste. The facility is not site-assigned, nor permitted to receive, store, handle or process either types of waste. During the June 2015 inspection, MassDEP also observed Empire storing recyclable materials, baled residuals and solid waste outside and uncovered in violation of the Facility's General Permit. As a result of these violations, MassDEP is demanding in this Second Demand that Empire pay an additional \$7,420 in Suspended Penalty.

7/16/15: MassDEP entered into a Consent Order with an \$8,625 Penalty involving John Allen Kimball Trust for Groundwater Discharge violations at Kimball Farm in Westford. The Farm is located at 400 Littleton Road where it operates a store, restaurant, function facilities and entertainment facilities. The site is currently served by septic systems although the design flow from the facility exceeds 10,000 gallons per day. MassDEP has been working with the owner since 2012 to resolve issues at this facility. Today's Order supersedes a previous Consent Order that had been executed with Kimball Farm in 2012 for the same violations. Today's Order now includes an \$8,625 Penalty to be paid in full, sets more aggressive deadlines for submittal of applications leading to a groundwater discharge permit for this facility. Construction of the required treatment works shall be completed by 12/31/16.

7/16/15: MassDEP issued a Unilateral Order to Joseph Collins (d/b/a Collins Apple Barn) for Water Supply violations in Brimfield. The Apple Barn failed to submit the 2014 Annual Statistical Report required of all public water systems. This public water system has previously failed to file its annual report in a timely manner. Today's Order now requires the submittal of the annual report of the water system and its operations.

7/16/15: MassDEP issued a Unilateral Order to Ganday, Inc. for Water Supply violations in Wendell. Ganday, Inc. is the owner and operator of the Wendell Country Store public water system. That Store failed to submit the 2014 Annual Statistical Report required of all public water systems. This public water system has previously failed to file its annual report in a timely manner. Today's Order now requires the submittal of the annual report of the water system and its operations.

7/16/15: MassDEP issued a Unilateral Order to Leszek Twarowski (d/b/a Village Green Campground) for Water Supply violations in Brimfield. The Campground failed to submit the 2014 Annual Statistical Report required of all public water systems. This public water system has previously failed to file its annual report in a timely manner. Today's Order now requires the submittal of the annual report of the water system and its operations.

7/16/15: MassDEP was notified of results in the case of U.S. EPA and Pioneer Cold in Chicopee. The U.S. EPA Region I filed a Consent Agreement and Final Order (CAFO) resolving violations by Pioneer Valley Refrigerated Warehouse (Pioneer Cold) in Chicopee for violations of the

Clean Air Act's Risk Management Program regulations. Pioneer Cold agreed to spend more than half a million dollars to settle the penalties and address public safety enhancements to reduce the likelihood of a release of anhydrous ammonia from the facility. The EPA action resulted following from the MassDEP's urban compliance initiative and followed a referral from the region for concerns outside of state jurisdiction. In January 2013 MassDEP, issued a \$33,718 Penalty against Pioneer Cold for failure to notify of a release of anhydrous ammonia in August 2008 and for failure to respond to a request for information about that release.

7/15/15: MassDEP entered into a Consent Order with a \$30,000 Penalty involving West Realty Trust. West Realty Trust is the owner of the property at 12 Westland Avenue in Boston where Waste Site Cleanup violations. Specifically, violations were for failure meet deadlines established in a Notice of Noncompliance that MassDEP issued in 7/23/13. Today's Order requires a phase two comprehensive assessment report which meets the requirements by 11/1/15. Thereafter, if applicable, additional reports will be due based on that assessment including: phases three and four of the cleanup by 12/30/15. After that, a permanent solution statement which meets the requirements (or a remedy operation status which meets the requirements) by 6/1/17 will be submitted. Today's Order also requires the payment of a \$6,000 with the remaining \$24,000 suspended pending compliance.

7/13/15: MassDEP entered into a Consent Order with a \$2,380 Penalty involving Riverview Machine Company, Inc. for Hazardous Waste Management violations in Holyoke. Riverview Machine uses grinding, milling machines and lathes to produce parts. A MassDEP inspection revealed that the facility failed to register its status for waste-oil and stored waste oil for greater than the allowed timeline. In addition, the facility failed to comply with several other hazardous waste and universal waste management requirements. The company initiated corrective actions after receiving notice of the violations. As part of the consent order, Riverview Machine will pay a \$1,000 of the Penalty. An additional \$1,380 was suspended pending the company's compliance with the terms of the consent order.

7/13/15: MassDEP issued a Demand for a \$2,000 Previously Suspended Penalty to ApMar USA, Inc. in Springfield. On 11/6/2013, ApMar entered into a Consent Order to address violations observed during an inspection conducted at its Springfield facility. As part of that Order, MassDEP had suspended a portion of the assessed penalty provided that ApMar develop and implement an Environmental Management System (EMS). ApMar failed to develop and implement the EMS by the deadline required.

7/8/15: MassDEP issued a Unilateral Order to 133 Warfield Road LLC (d/b/a Warfield House Inn) in Charlemont. The Order was issued to address the detection of e coli bacteria in the well serving the public water system at the Warfield House Restaurant. This system disinfects, but its system did not provide sufficient protection from viruses. Today's Order requires additional sampling, public notice and response actions.

7/7/15: MassDEP executed a Consent Order with a \$10,000 Penalty involving Eversource Energy for Waste Site Cleanup violations in Springfield. Western Massachusetts Electric Company (dba Eversource Energy) failed to notify MassDEP within two hours of becoming aware of a sudden release of transformer oil that occurred on 10/4/14 at 12:30 AM. On that date, a vehicle struck a utility pole in the vicinity of 141 Dwight Road in Springfield. A spill of

25 gallons of transformer oil containing polychlorinated biphenyls (PCBs) occurred, and soil, pavement and the vehicle that had struck the pole were contaminated with the oil. Eversource notified MassDEP of the spill at 10:56 AM on 10/4/14, in violation of the two-hour reporting requirement. In order to resolve the violation, Eversource agreed to the \$10,000 Penalty. Eversource also completed all required cleanup, developed an Oil Spill Notification Guide, and re-trained its first responders on reporting and cleanup of oil spills.

June 2015

6/30/15: MassDEP entered into a Consent Order with Cardinal Cushing Centers, Inc relative to Water Pollution Control violations involving St. Coletta's in Hanover. Today's Order establishes a schedule for the expansion and modification of this facility's wastewater treatment facility to improve wastewater treatment facility performance, as the facility had experienced excess effluent for BOD (or biochemical oxygen demand i.e.dissolved oxygen), total nitrates and fecal coliform bacteria. Respondent had previously submitted a return to compliance plan, and MassDEP recently met with the respondent's engineer regarding the expansion of this facility.

6/30/15: MassDEP entered into a Consent Order with Foxhill Management Corporation for Waste Site Cleanup violations at 15 Perry Drive in Foxborough. Foxhill has agreed to establish deadlines for completion of the response actions. In December 2000, an RAO closure (a response action outcome) statement was submitted to MassDEP by Foxhill that functioned as a stable temporary solution. In May 2013, the respondent voluntarily terminated their financial inability status and stated that they are now able to conduct the necessary response actions to achieve a more permanent solution at the site. Additional work is necessary at the site to adequately delineate the nature and extent of contamination at the site and to evaluate the vapor intrusion pathway at the site. As a result today's agreement was negotiated, establishing deadlines for the submittal of a Phase II (assessment) Phase III, Phase IV (remedial plan selection and implementation) and a permanent solution at the site.

6/26/15: MassDEP entered into a Consent Order with Browning Ferris Industries to bring a segment of land near the Fall River Landfill in Fall River into compliance. The Order regards an eleven-acre unlined and uncapped area of historical waste disposal located on and off the landfill property adjacent to the inactive Fall River landfill located at 1080 Airport Road. Currently BFI owns the inactive landfill and operates a 1000-ton per day solid waste transfer station on the landfill property. In November 2014 the landfill ceased accepting waste and the last remaining lined area is to be capped in 2015. Environmental investigations have determined that municipal solid waste is buried in the southwestern area of BFI's property outside the main landfill mound and on two adjacent properties owned by two private property owners: Rex Cut Products and Fall River Freeholders Limited Partnership. Aerial photographs illustrate historic waste disposal occurred when the city of Fall River owned and operated the Landfill. MassDEP worked with the city of Fall River, the two private landowners and BFI to facilitate a resolution to address the off-site waste. The city acquired portions of the land which contains solid waste from the two private landowners. BFI will cap and close the existing waste on BFI's property as well as the solid waste on the newly acquired city parcels, within a three (3) year timeframe through the implementation of MassDEP's "Revised Guidelines for Determining Closure Activities at Inactive Unlined Landfill Sites." An estimated 252,000 yd.³ of grading and shaping materials (primarily soils - no C&D fines) will be accepted in an effort to generate funds to pay for the

closure of the landfill and fund the post-closure care and monitoring of the landfill. BFI stated that the project will be performed at cost and BFI will not make a profit. The city and BFI held a Public Information Session, consistent with MassDEP's "Guidelines for Determining Closure Activities at Inactive Unlined Landfill Sites" (the "Guidelines"), for this project at the City of Fall River Health and Environmental Affairs Committee Meeting on November 24th. The city and BFI presented the conceptual closure plan and MassDEP attended the session to hear comments/questions directed to the presenters and answer any questions directed to MassDEP. BFI has submitted a Corrective Design permit application to reduce the footprint by 1 acre and cap the remaining 10-acre area.

6/25/15: MassDEP entered into a Consent Order with a \$6,072 Penalty involving DRS Power Technology, Inc., for Air Quality violations in Fitchburg. DRS Power Technology Inc. installed equipment prior to obtaining an Air Quality Plan approval. MassDEP observed the violation during a site visit at the company's facility at 166 Boulder Drive, Fitchburg on 4/13/15. The company will cease construction and installation until it receives a plan approval. As part of the settlement, the company will purchase \$7,000 of energy efficient LED lighting for the Fitchburg YMCA as a Supplemental Environmental Project (SEP).

6/23/15: MassDEP entered into a Consent Order with a \$1,000 Penalty involving Greylock Sand & Gravel LLC for Waste Site Cleanup violations in Adams. Greylock is a trucking company based in Adams. Greylock failed to submit the required 'release notification form' and 'permanent solution' statement following the release of 40 gallons of hydraulic fluid that occurred at the intersection of Route 8 and West Mountain Road in Cheshire. The release occurred on 11/14/14, when a hydraulic hose ruptured on a dump trailer being hauled by Greylock. Response actions were performed on that date by the Cheshire Fire Department, MassDEP emergency response personnel, and an environmental contractor retained by Greylock. Although the cleanup was successfully completed, Greylock failed to submit documentation from the cleanup, and failed to respond to a subsequent 'notice of noncompliance' that MassDEP issued in February 2015. The Department had allowed an extension of the deadline to submit the required information. In signing today's Order, Greylock agreed to submit the missing documentation and pay a civil administrative penalty of \$1,000.

6/22/15: MassDEP entered into a Consent Order with Hanover Water Department for Water Supply violations in Hanover. This system experienced a violation of a location running annual average for total trihalomethanes (TTHM's). TTHM's are those disinfection byproducts resulting from reactions between chlorine and dissolved organic material. Today's Order establishes a schedule requiring a short-term response, engineering analysis, and long-term corrective actions.

6/22/15: MassDEP entered into a Consent Order with Danversport Yacht Club Marina, LLC relative to Chapter 91, waterfront structures, and compliance issues. Danversport Yacht Club Marina, LLC violated the regulations on property at 161 Elliot Street in Danvers. Today's Order requires that an application for a Ch 91 license be submitted within 60 days for an existing, but unlicensed, footbridge.

6/22/15: MassDEP entered into a Consent Order with St. Christopher's Church for Waste Site Cleanup violations at 625 Main Street in Chatham. The respondent failed to file an 'activity and use limitation', or AUL, that is compliant with state regulations. MassDEP had identified

violations (Class II and III) of the requirements associated with the AUL recorded for the site as a result of a compliance screening audit, and the subsequent inspection conducted at the location. A 60-day deadline was established in the 'notice of audit findings and notice of non-compliance' that MassDEP issued to the respondent to correct these violations. Prior to the expiration of the deadline established, MassDEP received a request from St. Christopher's Church for additional time to discuss and address these violations. Today's Order now establishes strict deadlines to correct the AUL violations.

6/22/15: MassDEP entered into a Consent Order with Long Point Marine, Inc., for Waste Site Cleanup violations at 553 Washington Street in Duxbury. The Order with Long Point Marine, the potentially responsible party, is due to the failure to notify MassDEP of a release of petroleum at 553 Washington Street. Further, it establishes a deadline for them to submit comprehensive standard operating procedures that will henceforth be followed in the event of a release of oil and/or hazardous materials.

6/22/15: MassDEP entered into a Consent Order with a \$6,450 Penalty involving TRN Realty Trust for Waste Site Cleanup violations at 2000 Main Street in Walpole. TRN is the owner of the property from which there had been a release of oil and hazardous materials to the groundwater. In September 2013, MassDEP issued TRN Realty Trust a notice of noncompliance for having failed to complete the response actions that are called forth in the regulations in a timely manner. TRN Realty Trust did not comply or respond to that notice. Today's Order establishes negotiated timelines for completion of work at the site and contains a \$6,450 Penalty for failing to respond to MassDEP's original notice.

6/22/15: MassDEP entered into a Consent Order with Philip Bender for Asbestos violations in Holliston. Philip Bender, d/b/a PGB Construction, was found to have violated the state's Asbestos regulations at the Holliston transfer station. MassDEP discovered the violations during an inspection conducted in response to a complaint in October 2014. Inspectors found numerous unmarked household trash bags containing dry pieces of asbestos-containing transite panels on the upper tipping floor. A review of the facility's surveillance and scale records showed the asbestos-containing waste materials had been disposed of at the transfer station by Bender. MassDEP required that the asbestos waste be cleaned up and properly disposed of, and that all affected areas of the facility be decontaminated by a licensed asbestos contractor. No penalty was assessed in the matter because Mr. Bender provided documentation demonstrating his inability to pay a penalty.

6/19/15: MassDEP entered into a Consent Order with a \$2,875 Penalty involving Atlantic Group Development, LLC, for Solid Waste violations in Methuen. Under today's Order, the company has agreed to remove stockpiled solid waste and characterize asphalt, brick, and concrete (ABC) debris used as fill at Atlantic's property in Methuen. Today's Order includes payment of \$2,875, of which \$1,875 is suspended contingent on Atlantic completing the actions required in the Order. The violations were discovered as the result of an inspection of the property by MassDEP's Asbestos and Solid Waste Sections. During the inspection, MassDEP observed ABC rubble mixed with other debris had been placed as fill at the site to construct an unpaved access road. The fill material was received from the T.J. Battye Trucking site in Methuen that is the subject of a separate enforcement action with the Massachusetts Attorney General's Office.

6/19/15: MassDEP issued a Boil Water Order to the Farm School, Inc., for Water Supply violations in Orange. The Order was issued due to the bacteria results which showed e.coli bacteria and total coliform bacteria within its public water system. Today's Unilateral Order requires the Farm School to issue public notice to users, investigate and correct the problem and take related corrective actions.

6/17/15: MassDEP entered into a Consent Order with a \$30,475 Penalty involving Diesel Direct for Waste Site Cleanup violations at Shawmut Avenue in New Bedford. The company, which is located at 74 Maple Street in Stoughton, violated the regulations associated with a release of petroleum. MassDEP suspended \$10,350 of the Penalty bringing the final penalty to \$20,125. This is the second Order to be executed with the company and involves a repeated MCP violation. The earlier Order was executed 27 days prior to the second MCP violation, which also included failure to notify that is again, cited.

6/15/15: MassDEP issued notices of noncompliance (NONs) to 20 entities and entered into a Consent Order with Penalty to one entity - for violations of the Commonwealth's Waste Bans. The entities include retail stores, companies, hospitals and hotels, and involved the disposing of, or transferring for disposal, various materials that are subject to the waste disposal bans as specified in Massachusetts regulations [310 CMR 19.017(3)]. The materials banned from disposal include wood and construction debris, cardboard, and other recyclable materials and/or yard wastes. The violators were given 30 days to provide MassDEP with a written description of each action taken to correct the violations cited in their NONs, including status reports on these efforts to achieve and/or maintain compliance with the waste ban regulations. More information: [Waste Bans](#)

6/11/15: MassDEP entered into a Consent Order with Jorge Gabriel Property for Waste Site Cleanup violations at 1 Highland Avenue in Attleboro. There had been a release of petroleum at the property. MassDEP issued a notice of noncompliance to the respondent on 2/27/14. Prior to the deadline established, the respondent contacted MassDEP to indicate that he needed additional time to complete the required actions. Today's Order establishes a deadline to submit either a 'tier classification' - a numerical ranking - a 'downgradient property status' opinion - denoting how contamination originated off-site - or a 'permanent solution' statement.

6/8/15: MassDEP entered into a Consent Order with a \$15,936 Penalty involving Horace's Barber Shop for Waste Site Cleanup violations in Holden. Horace J. Zona and Nina Clapp entered into the Order to resolve violations including failure to notify of a release of oil and failure to manage contaminated soil in a secure manner. On 1/27/14, MassDEP responded to a complaint of oil odor caused by an oil release from an above-ground storage tank. Horace's Barber Shop has since removed the improperly managed soil and made proper notification. Due to the violators' financial inability to continue performing cleanup actions, MassDEP is currently conducting necessary mitigation actions to prevent indoor air exposures to petroleum hydrocarbons. MassDEP has suspended the penalty pending compliance with the requirements of the Order.

6/8/15: MassDEP entered into a Consent Order with the town of Ashburnham and Ashburnham-Winchendon Joint Water Board to correct violations of their Water Management Act Permit. Under today's Order the town and board agree to submit for approval: a compliance plan

to address the unaccounted-for-water loss; a scope of work for an offset feasibility study; a proposed amendment to the local Surface Water Protection bylaw; and, a leak-detection report for portions of the distribution system that have not been surveyed. Approval and completion of these actions will ensure that the approximately 12,891 residents served by this public water system will continue to receive water that is safe and fit to drink

6/8/15: MassDEP issued a \$36,775 Penalty Assessment Notice to Central Mass Recycled Materials, LLC for violations of the Asbestos and Environmental Results Program (ERP) regulations at this metals-recycling facility in Millbury. During inspections in 2013m MassDEP found numerous pieces of dry, friable, asbestos-containing insulation lying uncontained on the ground and on pieces of dismantled boilers at the site. Inspectors also found the company was partially crushing vehicles at the site without first removing mercury-added components.

6/5/15: MassDEP entered into a Consent Order with a \$7,700 Penalty involving Gary P. and Nicole M. Bellardino for Wetlands violations at 25 Adams Street in Wilmington. MassDEP initially became aware of this site as part of the 'wetland change initiative' review of aerial photographs. Upon further investigation and site inspection, it was determined that some of the wetland alteration identified on aerial photographs had occurred prior to the Bellardino ownership and beyond the statute of limitations. However, MassDEP did confirm that approximately 270 square feet of bordering vegetated wetland (BVW) and adjacent buffer zone filling and alteration was attributed to the Bellardinos. Today's Order requires removal of fill and BVW restoration with buffer zone planting and monitoring pursuant to a plan already approved by MassDEP. The respondents will pay a penalty of \$500 paid plus \$7,200 suspended if they can demonstrate compliance by November of 2016.

6/5/15: MassDEP entered into a Consent Order with a \$45,412.50 Penalty involving UMass Memorial Realty, LLC to resolve its multiple violations of the Asbestos regulations during a 2013 renovation project at the former Worcester City Hospital. MassDEP inspectors observed large quantities of asbestos-containing floor tiles were improperly removed from the cafeteria and discarded in an open-topped dumpster at the facility. Today's Order requires payment of a \$15,000, with an additional \$30,412.50 suspended provided that there are no further violations for one year.

6/4/15: MassDEP entered into a Consent Order with Manual Dos Santo d/b/a, MDS Construction and Remodeling, to resolve violations of the Asbestos regulations that occurred during demolition of an abandoned residential property in Franklin in April 2014. MassDEP found that Dos Santos demolished the building without first removing asbestos-containing materials. Numerous pieces of dry asbestos-containing transite siding and floor tiles were observed uncontained on the ground at the site. Today's Order requires future compliance, however no penalty was assessed in the matter after Dos Santos provided documentation of his inability to pay.

May 2015

5/29/15: MassDEP entered into a Consent Order with a \$15,050 Penalty involving Asbestos Man Removal Company, Inc., for Asbestos violations in Westwood. MassDEP responded to a complaint, about possible violations at 57 French Street in Westwood. MassDEP personnel

observed during an inspection of the site that asbestos-containing material had been improperly removed and handled by the company. Specifically, the company had conducted removal of dry asbestos-containing material, inadequately wetted, and conducted improper removal of asbestos-containing shingles. The company will pay \$2,500 and \$12,550 will be suspended for one year, provided the Respondent complies with all the requirements. MassDEP's Small Business Policy was utilized in reaching this agreement.

5/29/15: MassDEP entered into a Consent Order with \$10,000 Penalty involving Smith & Wesson Corporation for environmental violations in Springfield. The company must address air quality, hazardous waste, industrial wastewater and Toxic Use Reduction Act violations at its 2100 Roosevelt Avenue and 299 Page Boulevard sites in Springfield. Smith & Wesson is a manufacturer of firearms. At the aforementioned facilities MassDEP conducted inspections and found Smith & Wesson had failed to maintain proper air quality, hazardous waste and industrial wastewater records and exceeded its registered acetone usage limit. In addition, the company used non-compliant paint in its spray booth, and did not submit a Toxic Use report. The facility also failed to properly label and keep closed waste oil containers. Smith & Wesson, which cooperated with MassDEP during the investigation, initiated corrective actions to address the noncompliance issues after being notified of the violations by MassDEP. As part of today's Order, Smith & Wesson will pay \$5,000 of the Penalty. An additional \$5,000 will be suspended pending the company's development and implementation of an Environmental Management System.

5/29/15: MassDEP entered into a Consent Order with the town of Williamstown to address Water Supply violations in Williamstown. MassDEP originally issued a Unilateral Order to the town of Williamstown to address its failure to properly maintain its chlorine disinfection system, specifically to maintain the continuous chlorine analyzers monitoring and providing alarms associated with the chemical injection. Under the terms, the town's public water system now has analyzers in operation at all of its operating wells.

5/29/15: MassDEP issued 24 Waste Ban Enforcement notices during the month of May this year. MassDEP issued notices of noncompliance (NONs) to 24 entities, including retail stores, companies and waste haulers, due to the disposal - or the transfer of for the purpose of disposal - certain materials banned under state regulations. The items banned from disposal include wood and construction debris, cardboard, yard wastes and other recyclable materials. MassDEP gave these violators 30 days to provide the agency with a written description of each corrective action taken to correct the violations cited in their NONs. The status reports must include information on these efforts to achieve and/or maintain compliance with the waste ban regulations. More information: [Waste Bans](#)

5/29/15: MassDEP issued 26 Notices of Noncompliance (NON) to owners/operators responsible for Under Storage Tank (UST) facilities during the month of May. These facilities failed to have UST third-party inspections completed by their respective due dates through February 2015. MassDEP had given the offenders 45 days to return to compliance. Those that failed to do so will be subject to additional enforcement measures, including financial penalties. UST facility owner/operators are required to have their tank systems inspected every three years by MassDEP approved Third-Party Inspectors (TPIs), hired by the UST owners. TPIs report their findings to the agency. While they provide advice to their clients about compliance issues, TPIs are not

authorized to enforce laws and regulations. MassDEP also issued ten Standard Penalty Assessment Notices (SPANs) to UST facility owners/operators for failing to respond to the initial NONs. More information [UST-TPI](#)

5/27/15: MassDEP entered into a Consent Order with a \$22,750 Penalty involving Ipswich Club Homes Homeowners' Association for Wetlands violations in Ipswich. The violations took place on property at Country Club Way in Ipswich. Violations were initially discovered by MassDEP during a routine inspection of a wastewater treatment facility located on the property. Upon further inspections, MassDEP confirmed that unauthorized activity had taken place in 7 different areas of the property including, but not limited to, filling and stockpiling of landscape debris collectively resulting in alteration of approximately 5,125 square feet of bordering vegetated wetland and 1,100 square feet of riverfront area. Today's Order requires full restoration of BVW and RA with long term monitoring. The document also contains a penalty of \$7,500 paid plus \$15,250 suspended upon return to compliance.

5/27/15: MassDEP entered into a Consent Order with a \$6,200 Penalty involving Randall Crouss for Waste Site Cleanup violations in Otis. Crouss is the former owner of the property located at 1922 East Otis Road in Otis. Today's Order addresses violations of the Massachusetts Contingency Plan (MCP). A gasoline release occurred at this site and was reported to the Department in 1996. The source of the release was the underground storage tank system, which has been replaced. Crouss conducted several response actions to address the release under the MCP, including removal of gasoline-contaminated soil. Groundwater was also impacted by the release but has not impacted the on-site drinking water well. However, because groundwater concentrations have not yet achieved applicable standards, groundwater monitoring and reporting of results to MassDEP is necessary. Crouss failed to conduct the necessary groundwater monitoring or reporting in 2012 and 2014. MassDEP agreed to suspend the \$6,200 Penalty to resolve violations while requiring additional site assessment.

5/26/15: MassDEP entered into a Consent Order with a \$5,690 Penalty involving Richard F. Greene for Wetlands violations in Belchertown. The violations originally took place in 1997 when Greene altered 57,675 square feet of riverfront area, shortly after the adoption of the Rivers Protection Act. The violation was self-reported in 2015 when Greene initiated a development of the parcel and learned of the violation from his consultant. Today's Order requires implementation of a riverfront area mitigation plan consistent with a habitat improvement plan on the parcel. In addition, the full Penalty will be suspended if the mitigation work is completed.

5/26/15: MassDEP entered into a Consent Order with a \$17,137.50 Penalty involving David W. Saunders, Jr., for Asbestos violations in Fitchburg. Today's Order is to resolve violations of the asbestos regulations that occurred during renovation of a multi-family residential property in Fitchburg in May 2013. MassDEP inspectors found that Saunders improperly removed asbestos-containing transite siding from the exterior of the building without notifying MassDEP and without following the required work practices. Numerous pieces of dry asbestos containing transite siding were observed, some uncontained and on the ground, some in unmarked household trash bags in the garage at the site. Under the terms of today's Order, Saunders will pay a penalty of \$4,000 with an additional \$13,137.50 suspended provided he has no further violations for one year.

5/21/15: MassDEP entered into a Consent Order with an \$8,970 Penalty involving Patriot Recycling Corporation for Solid Waste violations in, Raynham. MassDEP determined that Patriot Recycling Corporation stockpiled asphalt pavement, brick, concrete and asphalt shingles in quantities exceeding the limits established in a negative Determination of Need for site assignment decision. MassDEP assessed a penalty of \$8,970. Patriot Recycling Corporation will perform a Supplemental Environmental Project (SEP) that includes the purchasing of approximately 835 eighteen gallon recycling containers for the town of Raynham. The value of the recycling containers will be a minimum of \$5,999.75.

5/19/15: MassDEP entered into a Consent Order with K.T. Acquisition LLC, d/b/a Komtek Technologies, for Air Quality and Hazardous Waste Management violations in Worcester. The company failed to apply for and obtain approval for its air quality plan; failed to provide accurate submittals; failed to follow good engineering practices; and, failed to comply with numerous hazardous waste management requirements. The company has subsequently corrected many of the violations. Due to the company having demonstrated financial inability, MassDEP will forego any administrative penalty.

5/19/15: MassDEP entered into a Consent Order with a \$3,036 Penalty involving American Recycled Materials, Inc. and Michael L. Brumber, for environmental violations in Holliston. American Recycled Materials, Inc and Michael L. Brumber failing to comply with Solid Waste permit conditions for their asphalt pavement, brick, and concrete recycling operation in Holliston. MassDEP inspected the site in August of 2014 and discovered that the company was operating in violation of two conditions of the facility's permit (Determination of Need). The company failed to maintain on-site facility records and also failed to have an approved financial assurance mechanism (FAM) for the facility operation. The company has since established a FAM that has been approved by MassDEP, and has also committed to maintaining a daily log of all materials received and shipped on the facility premises.

5/19/15: MassDEP entered into a Consent Order with a \$1,000 Penalty involving Earthlink Managed Services, LLC for Air Quality violations at its facility in Marlborough. Earthlink Managed Services, LLC, d/b/a Earthlink Business failed to comply with its Air Quality plan approval. During a review of submitted data, MassDEP found that the company, located at 313 Boston Post Road in Marlborough, had not conducted the required annual testing on its fuel oil it uses in its emergency engine. The company was previously cited for violating the same requirement in a 2012 Notice of Noncompliance. The Company has since corrected the violation.

5/19/15: MassDEP entered into a Consent Order with a \$4,230 Penalty involving Mack Prototype, Inc. for Hazardous Waste Management violations in Gardner. During an inspection of the company's facility located at 424 Main Street in Gardner on 11/14/14, MassDEP observed the company was acting as a storage facility of hazardous waste without a license by accumulating waste for more than the 180 days allowed for a small quantity generator. It also did not properly date containers. The assessed Penalty includes a Supplemental Environmental Project worth \$3,077.75 that consists of providing emergency response training and equipment for the Gardner Fire Department.

5/15/15: MassDEP entered into a Consent Order with the city of Revere for Waste Site Cleanup violations. Today's Order contains a schedule to return the contaminated site, the public school

Abraham Lincoln School, to compliance. MassDEP assigned a release notification number to this site after receiving a report of petroleum in soil and groundwater identified during removal of a 10,000 gallon underground storage tank. Specifically, the Waste Site Cleanup violations were failure to meet deadlines established in a previously-issued Notice of Noncompliance dated 10/7/14. Today's Order requires a tier classification extension by 6/1/15. In addition, an immediate response action status or completion report by 6/12/15; a phase two or comprehensive site assessment by 9/28/15; a phase three and phase four report, or remedial selection and implementation by 3/28/16. Thereafter, a permanent or temporary solution statement for the site, which meets the requirements or, if appropriate, a remedy operation status opinion that meets the requirements, will be submitted by September, 2016. Today's Order contains a stipulated penalty provision for any missed ACO deadlines.

5/11/15: MassDEP entered into a Consent Order with a \$30,000 Penalty involving Lynnfield Street Properties Inc. for Waste Site Cleanup violations at its property in Peabody. Lynnfield Street Properties Inc. is the owner of the property at 139 Lynnfield Street, Peabody. The property is a commercial building with restaurant and offices. Specifically, the Waste Site Cleanup violations were failure to meet deadlines as established in a Notice of Noncompliance issued by MassDEP on 6/6/14. Today's Order requires a tier classification extension by 7/17/15, a phase two comprehensive site assessment report which meets the requirements to be submitted by no later than 10/30/15. A phase three and four by which a cleanup plan will be selected and implemented by 12/30/15, and a permanent or temporary solution must be submitted by 9/30/16. The respondent will pay \$15,000 of the Penalty and the remaining \$15,000 will be suspended pending compliance. There is also a stipulated penalty provision for any missed deadlines.

5/11/15: MassDEP entered into a Consent Order with a \$1,860 Penalty that involves George Christakis as Trustee of Christakis Realty Trust for Waste Site Cleanup violations in Boston. After receiving a report of chlorinated solvents in groundwater identified during construction of the Mattapan Branch Library, MassDEP has entered into today's Order with responsible party. The identified property is the location of Boulevard Cleaners in Mattapan and has been a dry cleaner since 1978. Specifically, the Waste Site Cleanup violations were for failure meet deadlines and deadlines set out in Notice of Noncompliance dated 9/6/13. Today's Order requires a tier classification extension by 5/20/15 and a permanent or temporary solution statement for the site, which meets the requirements of the applicable regulations. If appropriate, a Remedy Operation Status Opinion that meets the requirements will be submitted by 7/15/16. Today's Order contains a \$1,860 Penalty and a stipulated penalty provision for any missed deadlines.

5/8/15: MassDEP entered into a Consent Order with a \$1,818 Penalty involving Jonathan T. White d/b/a Classic Furniture Services for Hazardous Waste Management violations in Franklin. Classic Furniture Services, Inc. was found to be acting out of status as a storage facility of hazardous waste without a license. MassDEP observed the violations during an inspection of the facility at 90 Hayward Street in Franklin on 3/21/14. White had accumulated hazardous waste paint-related materials for more than 180 days and did not submit complete source registration reports. MassDEP utilized the Small Business Policy in reaching today's Order.

5/8/15: MassDEP entered into a Consent Order with a \$4,830 Penalty involving the Liberty Tire Services of Ohio, LLC, for Solid Waste violations in Littleton/Ayer. The facility has agreed to

correct violations of solid waste regulations at its tire-shredding plant at the intersection of Berkshire Boulevard and Willow Street in Ayer. The company is required to submit to MassDEP, and implement, a fire protection plan. None was ever submitted and the company was unable to produce the plan during an inspection. In addition, the company stored recycled rubber material in excess of its permitted limit. The material is sold as a recycled product and also as an industrial fuel. Small fires occurred at the plant in 2010 and 2013. The company submitted a plan at the enforcement conference held in October 2014. Today's Order requires the company to pay a \$4,830 penalty and comply with regulations and permit conditions.

5/7/15: MassDEP entered into a Consent Order with a \$2,240 Penalty involving Test Devices, Inc. for Hazardous Waste Management violations in Hudson. The violations involved acting out of registered status as a storage facility without a license and for not labeling containers, and not marking and posting the accumulation area. MassDEP observed the violations during an inspection of the company's facility located 571 Main Street, Hudson on 10/8/14. The company demonstrated it had corrected the violations before the Order was issued. As part of the settlement, the Company will purchase \$1,676 of spill response equipment for the Hudson Fire Department as a Supplemental Environmental Project (SEP).

5/7/15: MassDEP entered into a Consent Order with a \$7,557 Penalty involving the Massachusetts Department of Correction at Norfolk for environmental violations. The facility failed to meet requirements that pertain to Air Quality, Hazardous Waste Management and Underground Storage Tank regulations. During an inspection of the facility in Norfolk on 6/3/14, MassDEP observed that the facility had failed to comply with the annual certification requirement for gasoline dispensing facilities, was storing hazardous waste beyond the allowable time period and had not characterized hazardous wastes. Also, the facility was not meeting the operational, record-keeping and inspection requirements of the underground storage tank regulations. The DOC will be required to correct the violations and pay the penalty within thirty days of the Consent Order.

5/7/15: MassDEP entered into a Consent Order with an \$11,800 Penalty involving Nicholas A. Yebba, Jr. and Nicole Yebba for Wetlands violations in Middleton. The violations occurred on property located at 4 & 6 Towne Road in Middleton. In the Spring of 2013, the Yebbas brought tons of fill material onto their, and an abutting neighbor's backyard, causing the improper filling of approximately 2,419 square feet of bordering vegetated wetland and a large area of buffer zone. In response to an enforcement order issued by the local conservation commission, Yebba filed a Notice of Intent (NOI) that detailed certain work in the area. This NOI received an Order of Conditions (OOC) containing specific provisions and schedule for a full restoration of the impacted wetlands areas on both properties. Yebba did not begin restoration work in compliance with the OOC or subsequent enforcement order and scheduled amendments. No restoration work had started when MassDEP inspected the site in May 2014. MassDEP then assumed control of this as an enforcement case at the request of the Middleton Conservation Commission. Today's Order requires full restoration of all impacted wetlands resource areas on both properties according to the plan and specifications approved in the Middleton OOC. There is also a schedule and long-term monitoring approved by MassDEP. The Yebbas will pay \$3,500 of the Penalty and \$8,300 will be suspended in three years if full compliance is met.

5/6/15: MassDEP entered into a Consent Order with a \$3,000 Penalty involving Acme Auto & Radiator, Inc for Hazardous Waste Management violations in Springfield. Acme Auto is a provider of automobile and radiator repair services. MassDEP inspection revealed that the facility failed to register its waste-oil status, and employ the services of a properly-licensed hazardous waste transporter to transport its waste oil. In addition, the facility failed to properly label waste-oil-accumulation containers and failed to post proper signage to clearly delineate its waste-oil-accumulation area, and did not perform the required inspections of the waste oil accumulation area. Acme Auto, which cooperated with MassDEP during the investigation, quickly initiated corrective actions to address the noncompliance issues. As part of a consent order, Acme Auto will pay a \$1,000 Penalty. An additional \$2,000 will be suspended pending the company's compliance with the terms of the agreement.

5/6/15: MassDEP entered into a Consent Order with a \$3,000 Penalty involving Nuclea Biotechnologies, Inc. for Hazardous Waste Management violations in Pittsfield. Nuclea is a translational medicine company dedicated to the discovery of proprietary biomarkers and in vitro companion diagnostic assays based on corresponding gene and protein expression profiles associated with an individual's tumor or specific disease state. MassDEP inspection conducted at Nuclea revealed that the company was registered as a very small quantity generator, but was generating acutely hazardous waste and did not make the required corresponding change to its status from a very small quantity generator to a small quantity generator. In addition, the facility did not properly label a container of hazardous waste and did not use a licensed hazardous waste transporter to transport hazardous waste. Nuclea, which cooperated with MassDEP during the investigation, initiated corrective actions to address the noncompliance issues after receiving notice. Under today's Order, Nuclea will pay a \$1,500 of the Penalty, and the remaining \$1,500 will be suspended pending the company's compliance with the terms of the agreement.

5/6/15: MassDEP entered into a Consent Order with Tucker Street Associates for Waste Site Cleanup violations in Fall River. MassDEP executed the order following failure of Tucker Street Associates to conduct required comprehensive response actions at the site. A Notice of Noncompliance, issued to Tucker Street Associates on 3/10/14 that specifically outlined the required comprehensive response actions and established deadlines for completion of the response actions. In response to a request by the Tucker Street Associates consultant, an Order has now been negotiated, establishing new deadlines for the completion of required comprehensive response actions including a phase two comprehensive site assessment by 9/1/15 and a remedy implementation plan by 2/1/16.

5/4/15: MassDEP was notified of a Suffolk Superior Court Justice Consent Judgment in the Haider Five case. The defendants, Nasir Haider, Zahid Haider, and Haider Five agreed to pay a \$70,000 Penalty for issuing at least forty-one passing motor vehicle emissions and safety Inspection certificates to motor vehicles that did not pass the required inspection. Of the total Penalty, \$60,000 must be paid within seven days of the Consent Judgment and \$10,000 of the penalty is suspended. The suspended portion of the penalty is contingent upon the defendants not conducting inspections, not conducting fraudulent inspections, and not re-applying for an inspection license for a period of five (5) years from the date of the Consent Judgment.

5/1/15: MassDEP issued 11 Notices of Noncompliance (NON) under the Underground Storage Tank (UST) Enforcement Initiative. MassDEP issued the NONs to facility owner/operators for

failing to have UST third-party inspections completed by their respective due dates. The agency gave the offenders 45 days to return to compliance. Those that failed to do so will be subject to additional enforcement measures, including financial penalties. The UST facility owner/operators are required to hire MassDEP-approved Third-Party Inspectors (TPIs) to inspect their tank systems every three years. TPIs report their findings to the agency. While they also provide advice to their clients about compliance issues, TPIs are not authorized to enforce laws and regulations. MassDEP also issued one Standard Penalty Assessment Notice (SPAN) to a UST facility owner/operator for failing to respond to a previously issued NON. More information: [UST-TPI](#)

5/1/15: MassDEP issued 18 Notices of Noncompliance (NON) to entities for violations of the Massachusetts Waste Bans. The 18 entities were found to have disposed of or transferred for disposal various materials subject to waste disposal bans. Among the items banned are: wood and construction debris, cardboard, and other recyclable materials and/or yard wastes. The violators were given 30 days to provide MassDEP with written descriptions of each action taken to correct the violations cited in their NONs, including status reports on these efforts to achieve and/or maintain compliance with the waste ban regulations. More information: [Waste Bans](#)

5/1/15: MassDEP entered into a Consent Order with the city of Taunton for Waste Site Cleanup violations at 19-23 Leonard Street in Taunton. The city failed to conduct required comprehensive response actions at the site. A Notice of Noncompliance, issued to the City of Taunton on, outlined the required comprehensive response actions and established deadlines for completion of the response actions. In response to a request by the consultant for the city of Taunton, an ACO was negotiated establishing new deadlines for the completion of required comprehensive response actions including a phase two comprehensive site assessment by October, 2015 and a remedy implementation plan by 1/21/16.

April 2015

4/30/15: MassDEP issued 11 Notices of Noncompliance to Underground Storage Tank (UST) facility owners/operators for failing to have a UST-third-party inspection completed by their respective due dates. MassDEP has given the offenders 45 days to return to compliance. Those that fail to return to compliance will be subject to additional enforcement measures, including possible financial penalties. UST facility owner/operators are required to hire MassDEP-approved third-party inspectors (TPIs) to inspect their tank systems every three years. TPIs report their findings to the agency. While they also provide advice to their clients about compliance issues, TPIs are not authorized to enforce laws and regulations. MassDEP also issued one Penalty Assessment Notice (PAN) to a UST facility owner/operator for failing to respond to a previously issued NON. More information: [UST-TPI](#)

4/30/15: MassDEP issued 18 Notices of Noncompliance to various entities for disposing or transferring material in violations of the state's Waste Ban. Among the items banned from disposal are: wood and construction debris, cardboard and other recyclable materials and/or yard wastes. The violators were given 30 days to provide MassDEP with written descriptions of each action taken to correct the violations cited in their NONs, including status reports on these efforts to achieve and/or maintain compliance with the waste ban regulations. More information: [Waste Bans](#)

4/29/15: MassDEP issued a third Amendment to an existing Consent Order with Twin Rivers Technologies Manufacturing Corporation for violations at its facility in Quincy. This Amendment sets forth an enforceable schedule for Twin Rivers to complete the installation, startup, and testing of new air pollution control equipment by 12/31/15. Twin Rivers produces glycerin and fatty acid products for a variety of markets and product applications, including soaps, detergents, plastics, textiles, food, cosmetics and pharmaceuticals. The facility is required to install equipment that will capture 100% of a number of odorous air contaminants and remove at least 97% of such contaminants. The project includes the installation of a regenerative thermal oxidizer. Review of the company's comprehensive plan application is underway, and supplemental application information has been submitted for the addition of this element.

4/28/15: MassDEP entered into a Consent Order with a \$2,500 Penalty involving Jessica and Paul Jeannenot for Wetlands Protection Act violations in Hadley. Today's Order is to resolve the cutting of vegetation, installation of a fence in the riverfront area and the installation of a dock in the Connecticut River without appropriate approval. The Jeannenots agreed to restore the altered area and remove a portion of the fencing. A waterways permit will also be required if the dock is to be reinstalled. The Penalty of \$2,500 is suspended entirely if the restoration work is completed.

4/28/15: MassDEP entered into a Consent Order with a \$15,000 Penalty involving Commonwealth Motors, Inc. of Lawrence for violations involving the Auto Vehicle Inspection Database. Based on information mined from the database, the Environmental Strike Force and the Inspection and Maintenance Program investigated and documented the issuance of six (6) fraudulent vehicle safety and emission inspection stickers. The fraud was committed by substituting another passing vehicle for inspection in order to generate a passing inspection sticker for the vehicles that did not pass inspection. One licensed inspection and maintenance inspector, who was employed by the facility, was found to be involved in the issuance of the fraudulent inspection stickers. This was the second time in less than five (5) years that this facility had an employee who engaged in the issuance of fraudulent inspection stickers. The facility also entered into a Last Chance Agreement with the Massachusetts Registry of Motor Vehicles in which the station's inspection license may be fully suspended or revoked if more fraudulent inspection stickers are issued during the next two-year period and during which the facility will not be able to conduct inspections for two months.

4/27/15: MassDEP entered into a Consent Order with Curo Southborough, LLC, for Water Pollution Control violations in Southborough. Today's Order establishes an enforceable schedule to design and construct a Title 5 (septic system) large system at Curo's office complex at 118-120 Turnpike Road in Southborough. Through this Order, Curo will provide on-site system that will provide treatment for approximately 12,444 gallons of wastewater per day.

4/24/15: MassDEP entered into a Consent Order with a \$12,945 Penalty involving Packaging Corporation of America (PCA) for Waste Site Cleanup violations at 120 Plain Street in Lowell. PCA, which is based in Boise, Idaho, violated the Waste Site Cleanup regulations by failing to report a 12/18/14 spill of an estimated 30 gallons of diesel fuel to the environment that occurred during fueling of a PCA truck. The company failed to report as soon as possible and within two hours after obtaining knowledge of the release, in violation. Today's Order requires PCA to prepare and submit to MassDEP an Oil and Hazardous Material Release Reporting and Response

Plan to be followed by all its personnel in the event of any future release incidents. Under today's Order, PCA will pay \$10,000 within thirty days, with the remainder suspended contingent on PCA's compliance with the terms of the Order. The Order also imposes stipulated penalties of \$1,000 per day for any future violations.

4/17/15: MassDEP entered into an Amendment to an existing Consent Order with town of Petersham for Water Supply violations in Petersham. Today's Amendment with the town establishes corrective actions to address repeated incidents involving elevated levels of total coliform bacteria in its public water system.

4/17/15: MassDEP announced an Amnesty for Reporting under the Toxics Use Reduction Program. MassDEP announced that through June 2016, it will accept past/prior Toxics Use Reduction Act (TURA) annual chemical use reports dating as far back as 2011 from companies that voluntarily disclose their failure to file in compliance with the law. Those taking advantage of the amnesty program will receive only a "warning letter" and be required to pay just one year of past-due chemical use and administrative late fees. More information: TURA Amnesty

4/15/15: MassDEP's Solid Waste Division approved the construction certificate for completion of the closure of the southern mound of the Old Groveland Road Landfill in Haverhill. The certificate involves the City of Haverhill and Aggregate Industries, the decision requires that on or before 12/1/15, the city and Aggregate Industries submit to the MassDEP a Corrective Action Alternative Analysis for completing the closure of the north mound of the Landfill. The Landfill is a Superfund Site conducting the remediation pursuant to the Solid Waste Regulations and a prior Consent Order executed by the city, Aggregate, and MassDEP on 1/22/99. Additionally, on 3/11/15, the city council voted to move forward with a contract with Sun Edison to construct a solar photovoltaic facility at this site.

4/13/15: MassDEP entered into a Consent Order with a \$41,494 Penalty involving Massachusetts General Hospital for Air Quality and Hazardous Waste Management violations in Boston. The violations were noted at MGH's 55 Fruit Street, Boston facility and 149 Thirteenth Street, Charlestown facility. MGH will pay an administrative penalty and will not run the co-generation units at the Boston and Charlestown facilities until receiving a modified plan approval which will include the requirement for installation of continuous emissions monitoring systems (CEMS). MGH has already provided information to MassDEP confirming that it had returned to compliance in regards to all hazardous waste violations.

4/10/15: MassDEP entered into a Consent Order with a \$4,000 Penalty involving Michael Doucette for Asbestos violations at Central Fire Station in North Attleboro. Doucette, d/b/a Michael Doucette Plumbing violated the Asbestos regulations at the Station located at 50 Elm Street in North Attleboro while in the process of performing a heating system upgrade. Doucette cut existing heating pipes that were wrapped with asbestos containing thermal insulation, which resulted in asbestos containing insulation debris contaminating basement work and storage areas. These actions resulted in several asbestos work practice and waste disposal violations including failure to ensure that the asbestos-containing material remained wet until and after sealed into a container for disposal and failure to containerize this waste material in leak-tight and properly labeled waste containers. Doucette will pay \$2,000 in 4 installments over the course of a year and the remaining \$2,000 will be suspended in accordance with MassDEP's

Small Business Policy. Asbestos abatement activities have been completed at the Central Fire Station; therefore, no additional actions are required.

4/9/15: MassDEP entered into Consent Order with \$29,000 Penalty involving Michael M. Dediu, Sr. and Sophia S. Dediu for Wetland Protection Act violations on their residential property at 230 North Street in Tewksbury. Tewksbury Conservation Commission requested MassDEP to take over enforcement efforts after multiple attempts, including two enforcement orders for continuing destruction and alteration of wetland resource areas associated with Marshall Brook, failed to bring this site into compliance. MassDEP confirmed that the Dedius had altered 70 linear feet of bank and 8,000 square feet of bordering vegetated wetland (BVW) from the following: the installation of wire devices in the brook to interrupt the building of dams by beavers, installation of siltation fence and chicken wire fence between BVW and bank, the installation of indoor/outdoor carpeting on bank, and, the removal of vegetation from, and the installation of a tarp upon the BVW. Today's Order requires removal of the devices in the brook and restoration of all wetland resource areas with long-term monitoring. The document also contains a penalty of \$12,000 paid plus \$17,000 suspended upon compliance after two years.

4/3/15: MassDEP entered into a Consent Order with a \$30,000 Penalty involving JSM Management Co., LLC for Waste Site Cleanup violations at 1 Charles Street in Newburyport. JSM owns the site and had previously been issued a failure to comply with a Notice of Noncompliance (NON). The NON required a phase two, three and four reports detailing initial site assessment, remedial alternatives and implementation by 10/10/14. Today's Order requires that unless a down-gradient property status is submitted, then a permanent or temporary solution statement which meets the requirements will be submitted by 8/31/15. The company shall pay \$2,000 with \$28,000 of the Penalty suspended. The suspended penalty will come due if JSM Management CO. LLC violate any provision of the Order.

4/2/15: MassDEP was notified by the Massachusetts Attorney General's Office (AGO) that a joint motion was filed regarding W.L. French Excavation Company. The motion filed by the AGO and French is to approve a consent judgment that was entered in and allowed by Suffolk Superior Court. French, a waste hauling company based in Billerica, will pay \$62,500 to settle claims by the AGO and MassDEP that French illegally dumped multiple loads of construction and demolition waste at an unpermitted site in Methuen (the Battye Site). The total payment of \$62,500 includes a \$57,500 payment into a special fund established by the Commonwealth to help with the cost of site evaluation and subsequent cleanup work at the Battye site, along with a \$5,000 civil penalty. The settlement also prohibits W. L. French from unlawfully handling, storing or disposing of construction and demolition waste or other solid waste.

4/2/15: MassDEP was notified by the Massachusetts Attorney General's Office (AGO) that a complaint had been filed in Suffolk Superior Court against Gigs LLC. Gigs is a waste hauling company formerly based in Tewksbury, having merged with Gigs, LLC in Windhill, NH. The complaint, filed on behalf of MassDEP, is regarding the alleged dumping of more than 244 loads of coated and uncoated concrete, asphalt, stone, brick, and tile, over a period of 45 days at an unpermitted site in Methuen, MA (the Battye site).

4/2/15: MassDEP executed a Consent Order with a \$28,125 Penalty involving the city of Quincy for Wetlands violations at 122 Russell Park in Quincy. In 2009, as part of an appeal of a local

order of conditions, MassDEP reviewed work proposed by Quincy at Faxon Field including the installation of a 12-inch equalization pipe under the Russell Park roadway. After MassDEP requested additional supporting hydrological information for the pipe, Quincy withdrew the pipe from the proposed work. MassDEP notified Quincy that the pipe would be subject to the filing of a new notice of intent if Quincy wanted to construct the pipe in the future. In July of 2009, MassDEP issued a superseding order of conditions for the remaining proposed work at Faxon Field. In July 2012, MassDEP became aware that Quincy constructed the pipe without filing the required notice. On 10/2/12, MassDEP executed an Order with Quincy for hazardous waste, water pollution control and wetlands violations. That Order required Quincy to file an "after the fact" Notice for the installation of the pipe including the supporting hydrological calculations which Quincy did in December 2012. Quincy's own conservation commission issued an Order of Conditions, and MassDEP intervened and took jurisdiction because the pipe discharged into an area serving as a compensatory flood storage area for alteration to bordering land subject to flooding. During further review, MassDEP also found that the installation of the pipe had altered approximately 200 square feet of bordering vegetated wetland and 15 linear feet of bank. On 6/12/13, MassDEP requested additional information from Quincy with a 70-day deadline for submittal. In October of 2013, after not receiving the information, MassDEP communicated with Quincy about the obligation to produce the information and was assured the information would be submitted in a timely fashion. As of 11/4/14, MassDEP had not received the information from Quincy, any request for additional time to respond, or any communication concerning the pipe installation. Today's Order requires that within 30 days, Quincy submit specific information including a detailed "as-built" plan for the pipe and explanation of how the alteration of BVW, Bank and BLSF meet the performance standards. The document also contains a penalty of \$9,000 paid with the remaining \$19,125 suspended within one year if in compliance.

4/2/15: MassDEP entered into a Consent Order with Hopedale Landfill, the owner, Maurice J. Murphy, and the consultant/contractor, Cover Technologies, Inc. for the proper closure of the former Hopedale Landfill. Approximately 325,000 cubic yards of mildly contaminated soils will be used to properly grade and shape the landfill and be sloped/configured to allow the installation of a solar array as a potential post-closure use. Today's Order requires full compliance with the Solid Waste regulations. Also, the guidelines for determining closure activities at inactive unlined landfill sites with a high-density polyethylene geo-membrane, and fully-funded closure and post-closure Financial Assurance Mechanism. This action will allow the closure of an old unlined landfill that has not been in operation since 1990.

4/1/15: MassDEP entered into a Consent Order with a \$15,000 Penalty involving NVP, LLC (formerly Columbia Electric), for Waste Site Cleanup violations at 100 Oak Street in Taunton. Today's Order with NVP is specifically due to the failure to submit a tier classification extension (a waste site ranking) and a phase two comprehensive site assessment report, a phase three remedial action and phase four remedy implementation plan, nor the required response action outcome statement as due by the deadline as established. Under today's Order, NVP will pay \$7,500 within 30 days of the effective date of the Order. The remainder of the penalty (\$7,500) is suspended. Today's Order establishes strict deadlines for the submittal of an imminent hazard evaluation, a tier classification extension, the phase two, three and permanent or temporary solution statements.

4/1/15: MassDEP entered into an Amendment to a Consent Order with International EC, LLC, for Water Supply violations in Granby. International EC, LLC is the owner of The MacDuffie School. The LLC has agreed to address its response to elevated levels of copper in excess of the regulatory action level at The MacDuffie School. The amended response incorporates a new public drinking well that is being installed at this public water system. Today's Amendment will help to bring the system into compliance while providing options for the public water system.

4/1/15: MassDEP entered into a Consent Order with a \$30,000 Penalty involving Don Straughter for Waste Site Cleanup violations at 1589 Columbus Avenue in (Roxbury) Boston. Straughter is the owner of the property where specific violations include failure to meet deadlines already established in a previous Amended Notice of Noncompliance dated 10/7/14. Today's Order requires a phase two comprehensive site assessment report which meets the requirements by 8/10/15. Thereafter, a phase three and four report remedial selection and implementation by 11/10/15. Finally, a permanent or temporary solution statement for the site, or alternate, which meets the regulatory requirements, will be submitted by 8/10/16. Straughter will pay \$2,000 of the Penalty and \$28,000 will be suspended with a stipulated penalty provision for any missed deadlines.

March 2015

3/31/15: MassDEP entered into a Consent Order with a \$46,150 Penalty involving Cruz Abatement and Contracting Services, LLC for Asbestos violations at 64 Cambridge Street in Burlington. MassDEP performed a routine inspection of the respondent's asbestos removal work at the site and found that asbestos containing material had been improperly removed and handled by the respondent. MassDEP observed the respondent removed asbestos-containing material dry, a violation, and that asbestos-containing waste material was removed utilizing improper technique. As a result of the violations observed by MassDEP, the respondent will pay \$10,000 and \$36,150 will be suspended for two (2) years. The small business policy was utilized in reaching this agreement.

3/31/15: MassDEP issued twenty (20) Notices of Noncompliance for Waste Ban violations including retail stores, companies and waste haulers. These entities disposed of, or transferred for disposal, cardboard, bottles, cans and other materials that are subject to state waste-disposal bans. The violators were given 30 days to provide MassDEP with written descriptions of each action taken to correct the violations cited in these NONs. The steps taken could include status reports on these efforts to achieve and/or maintain compliance with the waste ban regulations. More information: [Disposal Bans](#)

3/31/15: MassDEP issued ten (10) \$500 Penalty Assessment Notices to dental practices across the state under the Dental Amalgam Mercury Recycling Enforcement. The facilities failed, after repeated reminders and warnings, to certify by June, 2014, that they had installed and were operating approved amalgam separator systems to eliminate mercury from their wastewater discharges. Dental facilities that use mercury amalgam are required to do this every five years. More information: [DEP-Dental Amalgam](#)

3/27/15: MassDEP entered into Consent Order with a \$3,000 Penalty involving Eastern Packaging, Inc., for Air Quality violations in Lawrence. The facility, as part of pre-stack testing screening activities, determined that it would fail to meet the overall efficiency as it pertains to volatile organic compound destruction/removal. The catalytic oxidizer control device in question was required in this facility's plan approval issued in 2006. Eastern Packaging will pay a total of \$3,000 for this violation. Additionally, as part of the Order, the facility is required to implement a semi-annual core sampling program to analyze for catalyst activity and monthly screening activities, in addition to the required stack testing of the control device, to prevent the recurrence of this violation.

3/27/15: MassDEP entered into a Consent Order with a \$7,622 Penalty involving Titeflex Corporation and Titeflex Commercial, Inc. for Waste Site Cleanup violations at its 603 Hendee Street property in Springfield. Titeflex reported a release of chlorinated volatile organic compounds (CVOCs) at the 603 Hendee Street site in February 2010. A MassDEP audit of the phase two comprehensive site assessment and phase three remedial action plan identified several violations primarily concerning assessment of the release, which required additional response actions and for which MassDEP issued a Notice of Noncompliance. Titeflex failed to meet the deadline specified in the NON and requested a several month extension to complete response actions. MassDEP has agreed to a revised compliance schedule and a suspended penalty of \$7,622 to resolve these violations.

3/26/15: MassDEP entered into a Consent Order with a \$32,625 Penalty involving W.L. French Excavating Corporation for Asbestos violations at 24 East Street in Cambridge. MassDEP performed a compliance inspection of the asbestos abatement work at this address. MassDEP observed during an inspection of the site that a truck loaded with asbestos containing waste material belonging to the respondent had exited the site and removed the required hazardous materials placards in order to transit through the O'Neil Tunnel. As a result of the violations observed by MassDEP, and under today's agreement, the respondent will pay \$20,000 of the Penalty and \$12,625 will be suspended for one year.

3/25/15: MassDEP entered into a Consent Order with Qianlong USBoston, LLC, for Water Supply violations in Belchertown. Qianlong USBoston, LLC must address the repeated elevated levels of total coliform in this public water system at Cold Spring Country Club. The operator must take the required steps to address incidents in which the total coliform in this system tested at levels that exceed the maximum contaminant level under the regulations.

3/25/15: MassDEP entered into a Consent Order with a \$1,720 Penalty involving KP Grille, LLC, for Drinking Water violations in Rehoboth. The respondent did not have a certified drinking water operator to oversee this, a transient non-community public water supply system. The system is located at 481 Winthrop in Rehoboth. Under the terms of today's Order, the respondent will pay \$860 of the Penalty which is being paid by the owner/manager of the restaurant. The remaining \$860 will be suspended. KP Grille, LLC, now has an approved certified operator and compliance notice in place with a properly-licensed operator responsible for this, a public water supply system for the KP Grille, LLC.

3/24/15: MassDEP entered into a Consent Order with Stevens Street LLC for Waste Site Cleanup violations at 250 Cape Highway in Taunton. The respondent failed to file the required

Activity and Use Limitation (AUL) that is necessary for this cleanup site. The MassDEP identified violations as a result of a compliance screening audit and site inspection. A 60-day deadline was established in the notice of audit findings/Notice of Noncompliance that MassDEP issued. Prior to the expiration of the deadline established by MassDEP, the respondent submitted a request from Stevens Street, LLC for additional time to discuss and address the AUL violations. Today's Order establishes a deadline to correct the AUL violations.

3/20/15: MassDEP entered into a Consent Order with a \$172,240 Penalty involving NEWS of Worcester, LLC, for Greenwood Street Landfill for Worcester. The respondent under today's Order will resolve its violation of solid waste regulations at a closed landfill on Nip Napp Trail in Worcester. The company was limited by permit to a final landfill elevation of 512 feet during its repair of the landfill cap, but instead brought in too much material, resulting in an elevation of 524 feet. Today's Order including the Penalty is related to the recovery of the economic benefit realized by NEWS of Worcester, LLC due to its overfilling. The company has paid a penalty of \$43,060 to the Commonwealth, and the remainder of the Penalty will be used to conduct a Supplemental Environmental Project (SEP) in the local community. The SEP calls for the design and construction of the "Your Sanctuary in the City" project at the Broad Meadow Brook Conservation Center and Wildlife Sanctuary in Worcester. That project will incorporate a variety of environmental best practices, including storm water recycling, the use of recycled or sustainability produced construction materials, and responsible management of construction and demolition wastes. In addition, the Education Center will support the environmental education goals of the sanctuary and Mass Audubon through the provision of classroom space, and the use of interpretive signage and displays regarding the building renovation and operations.

3/19/15: MassDEP entered into a Consent Order with 1 \$1,250 Penalty involving Crete Carrier Corporation for Waste Site Cleanup violations in Springfield. Crete Carrier is a Nebraska-based long haul trucking company. Crete failed to submit a release notification or permanent solution statement for a release of 75 gallons of diesel fuel that occurred on Interstate 91 in Springfield. The release occurred on 8/13/14, when a tractor-trailer unit owned and operated by Crete was involved in an accident at the location. Response actions were performed by the Springfield Fire Department, MassDEP, and an environmental contractor. Although the cleanup was successfully completed, Crete failed to submit documentation from the cleanup, and failed to respond to a Notice of Noncompliance issued in October 2014 by MassDEP. An extension of the deadline was allowed to submit the required information. In signing today's Consent Order, Crete has agreed to submit the missing documentation and pay the \$1,250 Penalty.

3/19/15: MassDEP entered into a Consent Order with William P. Callahan, Jr., Kathryn J. Callahan, and William P. Callahan, III, of Hubbardston for Drinking Water Supply violations. Today's Order contains an enforceable schedule to provide an approved transient non-community public water system to serve the property, Hubbardston Crossing which is located at 32 Main Street in Hubbardston. Today's Order requires the owner to operate the on-site well that supplies water to the strip mall in accordance with the requirements for this type of water system. The penalty has been suspended pending compliance with the requirements. This action will ensure that anyone served by this system will receive water that is safe and fit to drink.

3/16/15: MassDEP entered into a Consent Order with South Shore Millwork Inc., for Air Quality and Hazardous Waste Management violations in Norton. The violations were made evident

following self disclosure by the company. As documented in the Consent Order, MassDEP is to recover unpaid annual compliance fees and the company is to apply for a plan approval for its air emissions and revise its hazardous waste generator status.

3/12/15: MassDEP issued a Declaration of Water Emergency to SB Operating Company LLC, d/b/a Sweetbrook of Williamstown Rehabilitation and Nursing Center located in Williamstown. MassDEP issued this necessary Declaration after the system experienced a pump failure. The Declaration allows the community public water system to use another water source, specifically additional water from another of its public water system sources.

3/11/15: MassDEP entered into a Consent Order with a \$430 Penalty involving Wilfred Francis for Solid Waste violations at 564 Fisher Road in Dartmouth. Wilfred Francis was operating a compost site without a General Permit. Francis submitted a General Permit to MassDEP on 3/2/15 and will pay a \$430 penalty within 30 days.

3/11/15: MassDEP issued a Demand for a \$5,000 Payment to Don Lia of Northampton for Waste Site Cleanup violations at 171-187 King Street in Northampton. This pertains to payment of a previously-suspended penalty to Don Lia, owner of the former Lia Honda in Northampton. The site is contaminated with metals and PCBs and requires maintenance of pavement to prevent direct contact with underlying contaminated soil. Lia filed a temporary solution for this site that requires periodic inspection and maintenance of the pavement and submittal of status reports to MassDEP. These status reports are necessary to document inspection results and any maintenance activities. On 9/24/13, MassDEP and d Lia entered into a Consent Order with Penalty to resolve waste site cleanup violations, the failure to maintain the temporary solution at this site. At that time, MassDEP agreed to suspend \$5,000 but required that status reports for the temporary solution be submitted by 3/9 and 9/9 of each calendar year until a permanent solution is achieved. MassDEP received a status report in December 2014, nearly three months past its due date, indicating that pavement repair was necessary and would be conducted. Further, MassDEP did not receive the status report due on 9/9/15. Documentation of the pavement repair, necessary to maintain the temporary solution, as documented in the December 2014 status report, has not been received.

3/10/15: MassDEP entered into a Consent Order with a \$30,000 Penalty involving Harvard Mills LLC for Waste Site Cleanup violations at 178 Albion Street in Wakefield. The LLC is the owner of the property where violations involved the failure to achieve a response action outcome within the deadlines established in a notice of noncompliance that had been issued on 12/18/12. New deadlines have now been established to return to compliance with the submittal of a temporary or permanent solution, or a remedy operation status submitted by 2/1/17. In addition, Harvard Mills LLC will pay \$3,000 of the Penalty, with the remaining \$27,000 suspended, pending compliance.

3/10/15: MassDEP issued a Demand for \$500 in Stipulated Penalty to Fauzia Rafiq and Lubna Ahmad of Springfield. The respondents are the owners of a site at 20 East Street in Springfield, from which a convenience store and gasoline filling station operates. Rafiq and Ahmad entered into a Consent Order with MassDEP on 9/17/14, which required submittal of a phase two assessment report and phase three remedial alternatives plan by 12/1/14. That Order also offered Rafiq and Ahmad the opportunity to prove under MassDEP's financial inability program that they were financially unable to perform the required response actions. Despite several follow-up

calls to assist Rafiq and Ahmad in complying with the requirements of the Order, they have failed to perform response actions, and have not submitted financial documentation, prompting the issuance of today's Demand for stipulated penalty.

3/9/15: MassDEP entered into a Consent Order with a \$46,150 Penalty involving All State Abatement Professionals Inc. for Asbestos violations at 64 Cambridge Street in Burlington. MassDEP performed a routine inspection of the respondent's asbestos removal work at the site. MassDEP found that asbestos containing material had been improperly removed and handled by the respondent. MassDEP observed the respondent removing asbestos containing material dry, inadequately wetting asbestos containing waste material, and improperly removing asbestos containing material. As a result of the violations observed by MassDEP and under today's Order, All State will pay \$10,500 and \$36,625 will be suspended for 1 year and 4 months. The small business policy was utilized in reaching this agreement.

3/5/15: MassDEP issued a Unilateral Order to Ferry Street Partners Investment Trust for Solid Waste violations in Easthampton. The Trust has agreed to address violations at a former mill complex that is the subject of a stalled redevelopment proposal. Specifically, today's Order requires that accumulated solid wastes, mostly from building demolition, be removed for proper disposal or recycling and that an asbestos survey/abatement is conducted in accordance with the appropriate regulations.

3/5/15: MassDEP issued an \$860 Penalty Assessment Notice to the A. Periera Construction Co. for open burning violations in Easthampton. This Ludlow-based contractor was issued the Penalty to address the open burning of construction debris at a road work project in Easthampton. This case was a complaint referral from the Easthampton Fire Department.

3/5/15: MassDEP issued more letters to Licensed Asbestos Abatement Contractors requesting additional information relative to fee-exempt applications. Under MassDEP's Asbestos Fee Status Compliance Assistance, a significant number of asbestos abatement notifications had been submitted for projects being claimed as exempt from the \$100 filing fee even though the properties in question don't appear to meet the regulatory criteria for exemption. MassDEP launched this initiative aimed at increasing compliance with Asbestos notification and fee requirements. MassDEP is reviewing online filings dating back to 2013 (when the fee was raised to its current level) for projects submitted as fee exempt. Where a project does not appear to meet the criteria, MassDEP will send a letter asking the submitter to either document the property's qualification for exempt status or pay the fee within 30 days. MassDEP, through the Massachusetts Department of Labor Standards, has emailed more than 200 active licensed asbestos contractors to notify them of the initiative and to remind them of the fee exemption criteria.

3/5/15: MassDEP issued a \$31,100 Penalty Assessment Notice to Asset Recovery Group, LLC for Air Quality control (Asbestos) violations in Somerset. Asset Recovery Group, LLC of New Jersey is the former owner/operator of the former Somerset Power Plant (Montaup Electric) located at 1606 Riverside Avenue in Somerset. ARG improperly handled and removed asbestos-containing materials while conducting salvaging and demolition activities at the facility. In response to a complaint, MassDEP inspected the facility and determined ARG had created the following: a condition of air pollution; failed to notify MassDEP of the asbestos-removal

activities; failed to remove asbestos-containing material prior to demolition/renovation activities; failed to use air-cleaning equipment; failed to seal the work area; failed to ensure asbestos-containing material remained wet until after it had been sealed in a container; and, failed to seal asbestos waste materials in leak-tight containers. MassDEP attempted unsuccessfully to negotiate a Consent Order with ARG. On 12/13/13, MassDEP issued a Unilateral Order to ARG to abate the ongoing condition of air pollution. To date, ARG has failed to comply with that Order [As of March 2014, a new owner has taken over asbestos abatement activities at the facility and abated the condition of air pollution].

3/4/15: MassDEP entered into a Consent Order with Harvard University School of Public Health relative to Air Quality regulations in Boston. The Order allows Harvard University to operate its emergency diesel generator (EDG) during its recent electrical system upgrade project at their School of Public Health Building No. 2 on 677 Huntington Avenue in Boston. Air Pollution Control Regulations do not allow for the use of emergency diesel generators for planned maintenance activities. However, this Order was sought by Harvard University to operate its EDG to conduct the electrical system upgrade project only for a limited number of hours and is based on safety issues in this constrained location

3/3/15: MassDEP entered into a Consent Order with a \$32,500 Penalty involving Walsh Construction Company for Wetlands violations in Amesbury. The violations occurred during the Whittier Bridge reconstruction project in Amesbury. Walsh is the contractor selected by Mass Department of Transportation to perform the Interstate 95 widening and Whittier Bridge reconstruction. MassDOT received a local order of conditions and 401 water quality certification from MassDEP for the project. In August of 2014, MassDEP observed that approximately 525 square feet of salt marsh and approximately 1,800 square feet of bordering vegetated wetlands had been filled with dredge spoils in connection with the project. Shortly thereafter, MassDOT reported to MassDEP that Walsh was conducting dredging/pre-excavation for cofferdam construction without the required silt curtain. At the direction of MassDEP and MassDOT, the dredge spoils were removed and proper environmental controls were installed. Today's Order now requires full restoration of the altered salt marsh and wetlands with long-term monitoring, and, full compliance with the original approval orders. Walsh will pay \$15,500 of the Penalty and the remaining \$17,000 will be suspended upon full compliance.

3/3/15: MassDEP entered into a Consent Order with an \$18,875 Penalty involving Sav On Transportation LLC for Waste Site Cleanup violations at 4334 Washington Street in Roslindale (Boston). Sav On Transportation LLC is located in East Falmouth, and failed to report a 3/21/14 release of approximately 127 gallons of gasoline that occurred during a bulk delivery to a service station in Roslindale. Today's Order requires Sav On Transportation to pay a penalty \$6,500 with the remaining \$12,875 suspended contingent on compliance with the terms of the Order. In addition, Sav On is required to prepare and submit to MassDEP an Oil and Hazardous Material Release Reporting and Response Plan within 45 days, and additionally imposes stipulated penalties of \$1,000 per day should additional violations occur.

3/2/15: MassDEP entered into a Consent Order with a \$47,978 Penalty involving the town of Uxbridge for Asbestos violations. In October 2013, MassDEP learned that asbestos-containing materials (vinyl asbestos floor tiles) had been improperly removed from three classrooms, transported in wheelbarrows through the school, and discarded in an open top roll-off container

stored outside at the site. MassDEP observed the dry asbestos-containing waste in the open top roll-off container at the site. In addition, the town did not notify MassDEP prior to commencing the work as required by the regulations. Today's Order assesses and suspends a \$47,978 Penalty based on compliance with applicable asbestos requirements for one year. In addition, the town has agreed to conduct an Asbestos Awareness Session for its municipal employees and invite municipal employees from 12 surrounding communities to attend at no cost. This action will help ensure municipal employees in the Uxbridge area are properly trained and will lead to better compliance with requirements regarding Asbestos.

3/2/15: MassDEP entered into a Consent Order with \$4,882 Penalty involving Getty Properties Corp for Water Supply violations in Granby. As owner of the Chestnut Mart public water system in Granby, Getty Properties reported elevated levels of the Total Coliform Rule monitoring and water quality violations. Today's Order now requires Getty to install an up-to-date disinfection system and prepare an operations manual. Getty will pay \$1,000 and the remaining \$3,882 will be suspended pending compliance with the Order.

February 2015

2/27/15: MassDEP issued a Unilateral Order and a \$30,000 Penalty Assessment Notice to Richard Lavigne former Gale Chevrolet for Waste Site Cleanup violations in Winchendon. Richard Lavigne failed to complete response actions, including the submittal of reports detailing the phase two assessment, the phase three remedial alternatives analysis, and the phase four selection and implementation. Also, a temporary or permanent solution must be submitted. These violations were originally addressed in notices of noncompliance and prior Consent Order. However, the violator remains out of compliance and MassDEP has not received any of the required reports. MassDEP today issues this Unilateral Order requiring submittal of the required reports within one year, and issues a penalty of \$30,000.

2/26/15: MassDEP issued a Demand for \$7,000 in a previously-suspended Penalty to Empire Recycling, LLC, for solid waste violations at its facility in Billerica. Empire failed to certify the completion of certain improvements to the facility and to submit a final operation and maintenance plan as required by a Consent Order the facility signed in 2014. Empire failed to make the Penalty payments in accordance with the payment schedule set forth in the Order. As a result, MassDEP will issue a demand for full payment of the outstanding cash penalty of \$15,000. The solid waste recycling facility has a general permit, meaning the facility accepts source-separated recyclable paper, cardboard, and mixed recyclable containers; removes incidental waste; and transfers the recyclables off-site for recycling.

2/25/15: MassDEP issued a Unilateral Order and a \$105,000 Penalty Assessment to Long Beach Mortgage Loan Trust et al. in connection with Wetlands violations in Haverhill. The documents were issued to Deutsche Bank National Trust Company as trustee for Long Beach Mortgage Loan Trust 2004-3, Asset-Back Certificates, Series 2004-3 and Ocwen Loan Servicing, LLC, Servicing Agent for Deutsche Bank National Trust Company and as trustee for Long Beach Mortgage Loan Trust 2004-3, Asset-Back Certificates, Series 2004-3 (collectively "Deutsch Bank"). The original violations occurred at 115-117 Merrill Avenue in Haverhill and were noted in April of 2012, when MassDEP executed a Consent Order with then owner of the property, Marilyn Campbell, for Wetlands violations including filling/alteration of 10,000 square feet of

bordering vegetated wetland (BVW) and unauthorized activity in the buffer zone to BVW. The Order at that time required full restoration of the BVW and buffer zone with long-term monitoring. Deutsch Bank took ownership of the property by foreclosure in July 2012. In January 2013 MassDEP began communication with Deutsch Bank about the still applicable Order and wetland restoration obligations. Since then, Deutsch Bank has made repeated representation to MassDEP that it will undertake the requisite restoration and, to date, has failed to commence the restoration work. Today's Order contains the requirement to restore the altered BVW and buffer zone with long-term monitoring.

2/24/15: MassDEP entered into a Consent Order with a \$13,500 Penalty involving Clean Harbors of Braintree, Inc. for Hazardous Waste Management violations in Braintree. MassDEP found violations during inspections on 7/29, 7/31 and 8/6 in the year 2014. This licensed hazardous waste treatment, storage, and disposal facility, located at 1 Hill Avenue in Braintree was found during inspections and review of records to have several hazardous waste violations related to storage and signage along with a violation related to stormwater.

2/24/15: MassDEP entered into a Consent Order with \$1,000 Penalty involving Clean Harbors Environmental Services, Inc. in Norwell. This facility is a licensed hazardous waste transporter, located at 42 Longwater Drive in Norwell. On July 29, July 31, and August 6, 2014, MassDEP conducted an inspection of Clean Harbors of Braintree, Inc., located at 1 Hill Avenue, Braintree, Massachusetts. During those inspections, MassDEP conducted a review of the Facility's Electronic Monthly Operation Reports (EMORs) associated with wastes transported from Clean Harbors of Braintree, Inc. Based on this review, inaccurate and incomplete reporting violations were noted.

2/23/15: MassDEP issued a Declaration of a Water Emergency to the Worthington Fire District in Worthington. The Order allows Worthington Fire District to provide an alternate water source to continue service to the five homes on its system that had lost water due to a frozen water main suspended on a bridge while it worked to thaw the line and restore service.

2/23/15: MassDEP issued a Declaration of a Water Emergency to the Lenox Water Department in Lenox. Today's Order allows for Lenox Water Department District to provide alternate water to a large apartment complex that had lost water due to a water break and broken valve.

2/23/15: MassDEP entered into a Consent Order with Ipswich Municipal Electric Power Plant in Ipswich for Air Quality violations. The Plant is required to address its noncompliance with federal regulation relative to National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (RICE). Specifically, today's Order cites noncompliance with requirements including lack of maintaining required records, failure to perform required maintenance, and noncompliant operation. In addition, today's Order addresses the fact that the facility failed to install pollution control devices within the timeframe established in an extension previously granted by MassDEP. The determination of these violations was made following an announced air compliance evaluation inspection of the facility conducted by MassDEP in August and September of 2014. In addition to ensuring the facility will comply with the record-keeping, maintenance, and operational requirements. Today's Order establishes timeframes for the installation of diesel oxidation catalysts such that the facility will comply with carbon monoxide percent reduction requirements applicable to its non-emergency

RICE. Through the use of oxidation catalysts, the facility will reduce emissions of carbon monoxide (used as a surrogate for hazardous air pollutant emissions) from eight of its nine RICE by at least 70 percent.

2/20/15: MassDEP entered into a Consent Order with a \$25,800 Penalty involving Daryl Holloway as trustee of Blue Hill Avenue II Realty Trust for Waste Site Cleanup violations in Boston. The Blue Hill Avenue II Realty Trust is the owner of the property at 1366 Blue Hill Avenue in Mattapan (Boston). Specifically, the violations were for failure to meet deadlines established in a previous notice of noncompliance dated 5/28/14. Today's Order now requires a phase two comprehensive site assessment report which meets the requirements by 6/30/15. Thereafter, a phase three remedial alternatives analysis which meets the requirements is due by 9/30/15 and a phase four remedial implementation for the site which meets the requirements. A permanent or temporary solution statement for the site, which meets the requirements, is due by 9/30/16. The Trust will pay \$2,400 of the Penalty with the remaining \$23,400 suspended and a stipulated penalty provision for any missed deadlines.

2/20/15: MassDEP entered into a Consent Order with a \$5,000 Penalty involving Life Care Centers of America, Inc., for Groundwater Discharge violations in Littleton. Life Care Centers of America, Inc. must correct/resolve the violations at the groundwater discharge facility serving the company's Littleton House Nursing Home, located on Foster Street in Littleton. MassDEP inspectors identified maintenance problems that resulted in violations of the Groundwater Discharge system at the facility. The company has agreed to an enforceable schedule of operational modifications and physical upgrades to restore proper operation of the treatment facility. This action will result in the proper treatment of 18,000 gallons per day of wastewater.

2/19/15: MassDEP entered into a Consent Order with an \$18,347.50 Penalty involving E&Z Enterprises, LLC, for Waste Site Cleanup violations in Dighton. While refueling a vehicle, an employee for East Coast Interiors Corp, released an estimated 29.28 gallons of diesel fuel that impacted the driveway and impacted two storm drains. As operators of a commercial fueling facility they failed to report the release of diesel fuel that is above the 'reportable quantity' as stipulated in the Massachusetts Contingency Plan. The company then failed to notify MassDEP prior to conducting an immediate response action. The company will pay \$9,173.75 of the Penalty and the remaining \$9,173.75 will be suspended pending compliance.

2/19/15: MassDEP entered into a Consent Order with an \$11,791 Penalty involving East Coast Interiors Corp for Waste Site Cleanup violations in Dighton. While refueling a vehicle, an employee for East Coast Interiors Corp, released an estimated 29.28 gallons of diesel fuel that impacted the driveway and impacted two storm drains. The company failed to report the release of diesel fuel that is above the 'reportable quantity', and failed to conduct an immediate response action. The company will pay \$6,041 of the Penalty and the remaining \$5,750 will be suspended pending compliance.

2/18/15: MassDEP entered into a Consent Order Otis Woodlands Club in Otis for Water Supply violations. The Club will need to address repeated incidents of elevated levels of total coliform bacteria in the public water system. Today's Order provides for response actions should an additional incident occur within twelve months.

2/17/15: MassDEP issued a Unilateral Boil-Water Order to Blandford Water Department in Blandford. The Order was issued in response to Blandford's notice of an emergency situation on Chester Road. MassDEP's Order serves as a Declaration of Water Emergency and a Boil Order to encompass the response actions planned by Blandford. The Order is applicable to the Chester Road portion of the system that had been impacted by a frozen water main.

2/11/15: MassDEP entered into a Consent Order with a \$19,000 Penalty involving ReEnergy Roxbury, LLC, for Solid Waste and Air Quality violations at its facility in Boston. In response to a complaint referred to MassDEP from the Boston Public Health Commission in September 2014, MassDEP and the Commission conducted an inspection. ReEnergy operates a permitted construction and demolition waste processing facility located in Roxbury. During the inspection, MassDEP observed that the facility was not being operated in accordance with either the facility permit (authorization to operate) as had been issued in 2012, or its limited plan application for non-fuel emissions as issued in 2009. The facility's dust suppression system was damaged and not in operation, dust was blowing outside of the building, and the building's overhead doors were in disrepair. Additional violations included stockpiled waste that extended outside the doors, and the facility's wood storage area was overfilled. Today's Order requires ReEnergy to repair the facility and resume operation of the dust suppression system. The respondent will pay \$12,000 of the Penalty and the remaining \$7,000 is suspended contingent on ReEnergy maintaining compliance for two years.

2/10/15: MassDEP entered into a Consent Order with a \$40,473 Penalty involving Ranfac Corporation for Air Quality and Hazardous Waste Management violations in Avon. A multi-media inspection revealed that the facility was treating a hazardous waste without a license as well as generating amounts of hazardous waste sufficient to qualify as a large quantity generator, despite it having self-registered as a small quantity generator. The inspection also revealed numerous hazardous waste management violations, including labeling, signage, training and inspections. The facility further failed to maintain air emissions records of actual volatile organic compounds and hazardous air pollutant emissions to demonstrate exemption from plan approval. Today's Order ensures compliance with the Hazardous Waste and Air Pollution Control requirements.

2/6/15: MassDEP entered into a Consent Order with East Northfield Water Company for Water Supply violations in Northfield. East Northfield Water Company has agreed to address its noncompliance with the Surface Water Treatment Rule deadline for installation and activation of a second form of disinfection. Today's Order provides additional time for the public water system to complete the installation which was underway, but not complete by the October 2014 deadline. Under the provisions of today's Order, the installation and activation will be complete by March 2015.

2/6/15: MassDEP entered into a Consent Order with the town of Gill for Water Supply violations in Gill. The town of Gill has agreed to address repeated incidents of elevated levels of total coliform bacteria in the Gill Elementary School, a public water system. Today's Order provides for response actions should an additional incident occur within twelve months.

2/6/15: MassDEP entered into a Consent Order with Wagon Wheel Drive-In, LLC for Water Supply violations in Gill. Wagon Wheel Drive-In, LLC has agreed to address repeated incidents

of elevated levels of total coliform bacteria at the Wagon Wheel Restaurant, a public water system. Today's Order provides for response actions should an additional incident occur within twelve months.

January 2015

1/30/15: MassDEP entered into a Consent Order with a \$6,325 Penalty involving Dartmouth Power Associates L.P., for Hazardous Waste Management violations in Dartmouth. A multi-media inspection by MassDEP revealed that the company was accumulating hazardous waste at the site of generation in excess of the prescribed accumulation period. In addition, the company failed to properly label containers of hazardous waste, waste oil and universal waste. They also failed to conduct required weekly inspections of the hazardous-waste accumulation area and failed to keep all containers of hazardous waste and waste-oil closed except during those times when adding waste. Finally, they failed to maintain only one container per waste stream in a satellite area. Today's Order stipulates that the company will ensure compliance with the Hazardous Waste requirements and payment of the total penalty of \$6,325.

1/20/15: MassDEP entered into a Consent Order with an \$11,586 Penalty involving New England Motor Freight, Inc. for Waste Site Cleanup violations in West Springfield. MassDEP found the operator of the property at 1311 Union Street in West Springfield had violated the regulations by specifically failing to submit a phase four remedy implementation plan, and failing to submit a permanent or temporary solution statement. Additionally, the respondent failed to submit a tier classification (site ranking) extension. Today's Order requires the submittal of a phase four status report or phase four final inspection report and completion statement by 4/30/15 and the submittal of a permanent solution, temporary solution remedy operation status submittal by 5/30/15. Under today's Order, the company will pay \$3,000 and \$8,586 of the Penalty will be suspended provided NEMF does not violate any condition of the Order.

1/20/15: MassDEP was notified by Suffolk Superior Court of a Consent Judgment involving Michael C. Fina Co., Inc. for violations at 5 Myrtle Street in Taunton: The Court's Judgment against Fina was reached after the motion of the parties (i.e. the Massachusetts Attorney General's Office and MassDEP) filed a complaint alleging Fina violated Massachusetts Waste Site Cleanup violations at the former Kent Silversmith facility in Taunton. An audit performed by MassDEP in 2010 identified numerous violations at the site. Vapor intrusion of trichloroethylene (TCE) and perchloroethylene (PCE) into several residences located in the immediate site vicinity was identified as a result of MassDEP's investigation. Insufficient site characterization and the improper use of remedial additives at the site resulted in TCE/PCE vapor intrusion into nearby residences. The Judgment requires Fina to pay a civil penalty of \$205,000, reimbursement of \$60,000 in MassDEP response action costs and establishes deadlines for revised submissions. The site had been in remedy operation status, but MassDEP has already terminated that status as of March 2011 for failure to meet performance standards. A revised phase two comprehensive site assessment was then submitted by Fina to MassDEP in October, 2014. As of now, a revised phase three or remedial action plan is due to MassDEP by no later than May, 2015.

1/23/15: MassDEP entered into a Consent Order with Martha B. Nields Trust for Solid Waste violations in Hardwick. Today's Order provides for the closure of a former landfill operation as well as the preservation of adjacent properties as open space by the New England Forestry Foundation.

1/23/15: MassDEP entered into a Consent Order with an \$8,500 Penalty involving Uni-Select USA, Inc. for Waste Site Cleanup violations in Lee. Uni-Select is a leading North American distributor of automotive replacement parts with a regional facility located in Stratford, Connecticut. Uni-Select violated oil spill reporting regulations after a diesel fuel spill that occurred in Lee. On 10/22/14 at 1:45 a.m., MassDEP was notified by F.L. Roberts & Company, Inc. regarding a spill of an estimated 20 gallons of diesel fuel to paved surfaces and a storm drain at the Big Y Express Service Station it operates at 320 Housatonic Street in Lee. F.L. Roberts informed MassDEP that a truck driver had manipulated a diesel fuel nozzle to allow it to function without being attended, and that the spill had occurred when the nozzle fell out of the fuel tank. The truck driver had left the site after informing the station attendant of the spill, and failed to notify MassDEP of the spill. Uni-Select agreed to pay the \$8,500 Penalty and also agreed to prepare oil spill notification and response procedures for its delivery drivers, and provide documentation of employee retraining as part of the Consent Order.

1/23/15: MassDEP entered into a Consent Order with a \$1,720 Penalty involving the town of Ashfield's landfill and transfer station in Ashfield. The landfill and transfer station will address monitoring of universal waste and other environmental management issues. The agreement suspends the full \$1,720 Penalty provided the town improves housekeeping at the site and commences environmental monitoring of the landfill.

1/23/15: MassDEP entered into a Consent Order with a \$2,875 Penalty involving T.R. Stone Trucking for Waste Site Cleanup violations in Springfield. T.R. Stone is a Palmer-based trucking firm with a facility in Springfield. T.R. Stone violated oil spill reporting regulations after a diesel fuel spill that occurred in Springfield on 9/27/14 at 11:53 a.m. MassDEP was notified by the Springfield Fire Department regarding a release of diesel fuel to paved surfaces and a storm drain at the Irving Service Station at 11 Tapley Street in Springfield. MassDEP immediately responded to the site and provided oversight of the cleanup. The operator of the station, L.E. Belcher, Inc., retained an environmental contractor to clean up the spill. A review of surveillance video indicated a T.R. Stone truck driver had manipulated the diesel fuel nozzle to allow it to function without being attended. The nozzle had fallen out of the fuel tank, spilling about 15 gallons onto paved areas in the vicinity of the pump island. T.R. Stone officials were contacted by MassDEP and they indicated their driver had not informed them of this spill. T.R. Stone agreed to pay the \$2,875 Penalty. T.R. Stone also proactively updated its spill notification and response procedures for its drivers, and retrained its employees prior to meeting with MassDEP at the enforcement conference.

1/23/15: MassDEP entered into a Consent Order with an \$11,937.50 Penalty involving Pan Am Railways, Inc. for Waste Site Cleanup violations in Deerfield. Pan Am Railways, Inc. is a North Billerica-based railroad operator with a train yard in East Deerfield. The company was responsible for a motor oil spill at the train yard on 7/23/14 at 10:47 a.m. Pan Am notified MassDEP of the release of twenty gallons of engine oil from a locomotive to the ground surface and railroad tracks in front of the engine house at the yard. Information provided to MassDEP at

the time of the notification and during a field inspection performed on that date indicated that Pan Am had knowledge of the engine oil spill the prior day 7/22/14, at 6:00 a.m. and notification should have been provided within two hours of that knowledge. Pan Am agreed to pay the \$11,937.50 Penalty. Pan Am will update its Environmental Management System Plan (EMS) that was developed as part of a previous enforcement action undertaken by the Commonwealth. Pan Am employees will be re-trained on procedures contained within the updated EMS. Pan Am is currently assessing and cleaning up the oil spill in accordance with Massachusetts regulations.

1/23/15: MassDEP entered into a Consent Order with a \$1,865 Penalty involving Braintree Laboratories Inc. for Hazardous Waste Management violations in Holbrook. Braintree Laboratories Inc., located at 270 Center Street in Holbrook where on 9/24/14, MassDEP conducted a multi-media inspection of Braintree Laboratories and cited a Class I hazardous waste generator acting out of status violation and a Class III violation for failure to properly maintain air emission records.

1/23/15: MassDEP entered into a Consent Order with a \$3,292 Penalty involving Leaktite Corporation for Hazardous Waste Management and Air Quality violations in Leominster. The company failed to obtain the required Air Quality plan approval and generated hazardous waste in excess of its registered status. Today's Order requires the company to comply with applicable regulations and pay the \$3,292 Penalty. This action will help ensure the company complies with applicable regulations going forward.

1/23/15: MassDEP entered into a Consent Order with \$2,262 Penalty involving J&J Machine Company, LLC for Hazardous Waste Management violations in Marlborough. The medical and aerospace parts manufacturer failed to register its hazardous waste generation activity, did not make a hazardous waste determination, stored hazardous waste longer than allowed without a license, and did not manage the wastes properly. The Company has since corrected these violations. This action will help to ensure future compliance with the regulation and involved application of MassDEP's small business policy to reach an equitable enforcement order.

1/16/15: MassDEP entered into a Consent Order with a \$19,000 Penalty involving Hamid Shirkhan for Wetlands Protection Act violations at 15 Smith's Point Road in Manchester-by-the-Sea. After being issued an enforcement order by the local conservation commission in 2010 for the construction of landscaping walls on a coastal bank, and subsequent lengthy permit denial, Shirkhan in 2013 was issued an after-the-fact superseding order of conditions by MassDEP that would have allowed a portion of the project to remain but require him to remove the wall. In August 2014, MassDEP found that Shirkhan had failed to remove a wall, and, constructed an additional stone wall and extended a planting bed on the coastal bank in violation. Today's Order requires Shirkhan to remove the new wall (and a planting bed) and, further for him to stabilize and restore that area of coastal bank with long-term monitoring. Additionally, Shirkhan is required to remove the wall as required or in the alternative, to file a notice of intent and receiving an order of conditions allowing the wall to remain after demonstrating no feasible alternative and providing mitigation for the alteration of coastal bank. Today's Order also requires payment of \$7,500 with the remaining \$11,500 suspended if in compliance by 10/31/17.

1/16/15: MassDEP entered into a Consent Order with a \$5,750 Penalty involving Advance Stores Company, Incorporated, for Hazardous Waste Management violations in Chicopee. Advance Stores Company owns and operates multi-state auto parts supply stores. MassDEP's inspection of the company's Chicopee location identified that the facility did not label universal waste (fluorescent bulbs) and had disposed fluorescent bulbs in the dumpster. In addition, the store had the following violations: had not delineated its hazardous waste (waste oil) accumulation areas; had no accumulation start date on its waste-oil tank; had not maintained copies of manifests at the store; had not kept closed the hazardous waste container stored outside; had not kept a secondary-containment for hazardous waste stored outside; had an open trash-can containing waste oil absorbent material; and, finally, did not make a hazardous waste determination of waste. Advance Auto responded quickly to address the violations and has agreed to conduct environmental audits at its stores located in Massachusetts. As part of the settlement agreement, Advance Auto will pay \$1,750. MassDEP has agreed to suspend an additional \$4,000 pending the company's compliance with the terms of the agreement.

1/16/15: MassDEP issued a Demand for a Previously-Suspended \$1,450 Penalty to Dolomite Products, Inc. for failure to comply with terms of an existing Consent Order. Dolomite, d/b/a Clemente Fane Concrete in Pittsfield, failed to comply with the terms and conditions of an Order entered into with MassDEP on 1/31/13. The Order required the company to cease all discharge of industrial wastewater to the surface waters of the Commonwealth at its Pittsfield facility and to implement an industrial-wastewater management plan by no later than one (1) year from the effective date of the Order. During an inspection of the facility on 11/20/14, MassDEP observed continued industrial wastewater discharges to the surface waters of the Commonwealth. Specifically, MassDEP observed industrial wastewater generated at the mixer-truck loading area draining to the surface of the ground, flowing through a series of culverts and entering the facility storm-water-collection system that discharges to Barton Brook.

1/16/15: MassDEP entered into a Consent Order with a \$19,000 Penalty involving Hamid Shirkhan for Wetlands violations at 15 Smith's Point Road in Manchester-by-the-Sea. After issuance of an enforcement order from the Manchester conservation commission in 2010 for the construction of landscaping walls on a coastal bank without authorization, and subsequent lengthy permit denial and appeal/settlement history, in June 2013, Shirkhan was issued an after-the-fact superseding order of conditions by MassDEP that would have allowed a portion of the project to remain. Shirkhan, however, had to remove one wall. Subsequently, in August 2014, MassDEP found that Shirkhan had failed to remove that wall, and, instead had constructed an additional stone wall and extended a planting bed on the coastal bank. This represented a violation. Today's Order now requires Shirkhan to remove the new wall and planting bed, and, to stabilize and restore that area of coastal bank with long-term monitoring. Additionally required is the removal of the wall as required, or in the alternative, filing a notice of intent, and seek to have it receive an order of conditions allowing the wall to remain after demonstrating no feasible alternative and providing mitigation for the alteration of coastal bank. Today's Order also contains an administrative penalty of \$7,500 paid with the remaining \$11,500 suspended if Shirkhan and this site can demonstrate compliance by 10/31/17.

1/13/15: MassDEP entered into a Consent Order with a \$20,000 Penalty involving Berklee College of Music, Inc. involving Waste Site Cleanup violations at 168 Massachusetts Avenue in Boston. Berklee College of Music, Inc. is the owner and/or operator of the property where

specific violations included: failure to notify and a discharge to surface and groundwater that was not appropriately treated to remove contamination.

1/12/15: MassDEP entered into a Consent Order with the town of Wilbraham Water Department to address environmental compliance issues. The Water Department in Wilbraham under today's Amendment will address emergency response procedures and install generators or connections for generators at two of its pump stations.

1/7/15: MassDEP entered into a Consent Order with a \$9,512 Penalty involving Zecco Marine for Wetlands violations at 2 Warr Avenue in Wareham. Zecco Marine, LLC was in violation for the expansion of an existing marina authorized under License No. #8288 in 2001 and several previous authorizations. The violation involves approximately 23 finger piers and floats and float expansions to the existing marina without authorization under Chapter 91 of the Massachusetts General Laws. The total amount of the penalty is \$9,512 with \$2,378.00 to be paid within 30 days. The Order also contains a Supplement Environmental Project valued at \$10,530 to provide a boat slip for the next three (3) years to the Wareham Harbormaster at no cost to the town of Wareham. The proponent has a pending Waterways application, which is currently under review for licensing.

1/7/15: MassDEP entered into a Consent Order with Mountain View Campground, Inc. for Water Supply violations in Otis. MassDEP concluded the order with Mountain View Campground, Inc. to address repeated incidents in which the maximum contaminant level for total coliform bacteria was exceeded. Today's Order includes response actions should additional incidents occur.

1/6/15: MassDEP entered into a Consent Order with Hendee, LLC, for Waste Site Cleanup violations in Springfield. Hendee, LLC will address violations related to a discovery of Non-Aqueous Phase Liquid (NAPL) that was first reported to MassDEP in 2008. In December, 2010 Hendee acquired the property and assumed responsibility for future cleanup actions. On 4/5/11, the submittal of a new tier classification (site ranking) opinion re-established a new deadline of 4/5/13 for Hendee to submit the phase two, or comprehensive site assessment, and phase three, or remedial action plan. Today's Order now sets new submittal deadlines of 4/7/15 for the phase two, and 4/7/16 for the phase four, or remedy implementation plan. This is following the receipt of four notifications of a delay that had been submitted on behalf of Hendee in which the need for more off-site migration data was cited as necessary.

1/5/15: MassDEP entered into an Amendment to an existing Consent Order with Ziad Fouad Nabbot for Waste Site Cleanup violations at 86 Jackson Street in Salem. Nabbot failed to comply with the terms of an 8/22/14 Order. Today's Amendment re-sets deadlines for the submittal of a revised, a permanent or a temporary solution statement. Also, either a status report on measures taking to address (abate) this release, or a report on a completion of those steps to address (abate) this release. In light of the failure, Nabbout will pay \$2,500 of the \$5,490 suspended Penalty from the Consent Order.